

IN THE COURT OF THE ADDITIONAL DISTRICT JUDGE, 1ST COURT,
BURDWAN

Mat Suit No. 881 of 2023

(CNR No.WBBD01-005061-2023)

Present : Sri Bibhas Chatterjee

Additional District Judge, 1st Court, Burdwan

Santanu KarfaPetitioner-husband

V/s.

Shyamali Karfa Respondent - wife

Order no.21 dated 22.05.2026

This day is fixed for hearing exparte argument.

The petitioner- husband namely Santanu Karfa is present by filing his hazira.

Heard. Ld. Advocate for the petitioner-husband.

The case is taken up for passing order.

This is an application u/s. 13 of Hindu Marriage Act 1955 filed by the petitioner-husband praying for dissolution of his marriage solemnized on 12/03/2017 by granting a decree of divorce on the grounds stated therein.

Be it mentioned here that hereinafter, the petitioner-husband will be referred as “Petitioner” and the respondent-wife will be mentioned/referred as “Respondent” only.

The case of the petitioner, in gist, is that the petitioner and the respondent got married on 12.03.2017 as per Hindu Rites and Customs. After the marriage, the respondent went to her matrimonial house situated at Usha, P.S Bhatar, District–Purba Bardhaman and started living as a couple. Due to the wedlock, the respondent became pregnant but terminated her pregnancy without the consent of the petitioner. The petitioner was unemployed at the time of marriage. After few years from the date of said marriage, the respondent started misbehaving with the petitioner’s parents and brother. The respondent made unfavourable remarks regarding his financial condition. The petitioner was mentally disturbed but tried to

made adjustment with the respondent for leading a happy conjugal life but it yielded no fruitful result. On 30.08.2019, the respondent left her matrimonial house and went to her parental house. The respondent is a skilled textile designer and she used to earn Rs. 50,000/- per month. In the year 2021, the respondent informed the petitioner that she will not return to her matrimonial house. Thereafter, the petitioner came to know that the respondent had illicit relationship with one Bapan Mondal and she is living a conjugal life with him. The petitioner tried his best to continue the marital tie with the respondent and to lead a happy conjugal life with her but all were went in-vain, the petitioner failed to enjoy marital bliss with the respondent. On the failure of all the efforts of reconciliation, the petitioner had no other option but to file the instant petition to dissolve the marriage by obtaining a decree of divorce u/s 13 (1) of Hindu Marriage Act, 1955 mentioned in her petition.

Heard Ld. Advocate for the petitioner at length.

It is evident from the record that the respondent did not appear in the suit and did not prefer to contest and challenge the case of the petitioner by filing the written statement and as such this Court has no other alternative but to fix the instant case for ex parte hearing on 25.07.2025.

The petitioner (P.W-1) filed her examination-in-chief in the form of Affidavit under Order 18 rule 4 of C.P.C. In order to prove the marriage, the petitioner has succeeded to mark xerox copy of Aadhar Card (Exhibit-1), one certificate issued by Nityananda Gram Panchayat Bhatar dated 16.10.2025 (Exhibit-2), certified copy of maintenance case u/s 125 of Cr.P.C (Exhibit-3) and certified copy of Criminal case in C/W GR 4091 of 2020 (Exhibit-4).

In addition to his own evidence, PW-1 also adduced her mother, Krishna Karfa as P.W.2. Except PW 2, no other witness has been cited in this case.

It is the trite law that in view of the section 13(1) of Hindu Marriage Act, 1955, that either spouse can present a petition for divorce on the following grounds:

- D) If the other party has, after solemnization of the marriage has engaged in sexual relation with some outside the marriage.
- ii) If the party has treated the petitioner with cruelty.
- iii) If the other party deserted the petitioner for a continuous period of 2 years or more.
- iv) If the other party has converted another religion.
- v) If the other party is incurably of unsound mind, or has a mental disorder that makes it unreasonable to live with him.
- vi) Other ground include venereal disease in a communicable form, renunciation of the world or being unheard of 7 years.

On the other hand, to prove his contention, the petitioner adduce himself as PW1 and has succeeded to prove his case ex parte by adducing oral as well as documentary evidence. Not only that his mother (PW-2) also corroborated the case of the petitioner in toto. It is evident that the petitioner was treated with cruelty by the respondent. The respondent intentionally and without justification abandoned the marriage, leaving the petitioner without his consent by neglecting her marital duty and thereby deserted the petitioner to enjoy his marital bliss.

After perusal of the unchallenged testimonies of the petitioner (PW1) and his mother PW2, I find nothing to disbelieve the case of the petitioner. So, I consider that the petitioner has succeeded to prove his case ex-parte by means of the

unchallenged testimonies and that he is entitled to get the decree as prayed for.

C.F paid is correct.

Hence, it is

O R D E R E D

that the instant suit being Mat Suit No. 881 of 2023 be and the same is decreed exparte in favour of the petitioner-husband without contest. The petitioner-husband namely Santanu Karfa do get a decree of dissolution of marriage against his wife. It is declared that the marriage between the petitioner-husband namely Santanu Karfa and respondent-wife namely Shyamali Karfa which was solemnized on 12.03.2017 is hereby dissolved in view of Section 13(1)(ia)(ib) of Hindu Marriage Act, 1955.

Let a copy of this order be handed over to the petitioner free of cost. The petitioner is directed to send a copy of this order to the respondent/wife at her own cost.

Dictated & Corrected

sd/

Additional District Judge,
1st Court, Burdwan.

sd/

Additional District Judge,
1st Court, Burdwan
(J.O. No.WB00702)