

MAT Suit No. 218/2022

CIS Mat. 218 of 2022

Order No. 10

Date: 04/07/23

Petitioner/wife is present along with her engaged lawyer namely, Biswajit Das.

Petitioner has already filed examination-in-chief on affidavit along with some documents for marked exhibits in this case.

Today is fixed for exparte hearing.

Accordingly Petitioner/wife has been examined as PW-1 and the filed documents such as photocopy of Aadhaar Card and Birth Certificate of her daughter were marked exhibited in this case.

I have also heard the submission of Ld. Lawyer namely, Biswajit Das on behalf of Petitioner/wife where he has stated that marriage between the parties was **solemnized on 28.05.2008 in accordance with Hindu rites & custom** and after the marriage this Petitioner was taken to her matrimonial house in the district of Malda where they started living as husband and wife and their marriage has been duly consummated and out of their wedlock one female child namely, **Diya Biswas** was begotten who is now 11 years of old and she studying in class-VI.

It was further submission that in course of residing Respondent/husband used to torture in different manner on different occasions and he increased the quantum of torture including physical in presence of the minor daughter and other. It was further submission that finally on 13.10.2019 this Respondent oust to this Petitioner along with the minor child from the matrimonial house as such this Petitioner having no alternative took the shelter of her parents and now used to reside with them along with her minor child at their mercy. In the meantime, this Petitioner along with her relatives tried their best to re-conciliate the matter but all gone in vain. As such this Petitioner has been compelled to filed tis suit with a prayer to dissolve the marriage and also to grant a decree of divorce.

Contd..... P/2.

(2)

Perused the case record from where it appears that inspite of having notice of this case Respondent/husband did not turned up as such instant suit has been proceeded ex parte against him.

It further appears that this Petitioner was filed this suit **u/s.13(ia)(ib) of Hindu Marriage Act, 1955** on the ground of cruelty as well as desertion.

I have gone through the pleading as well as unchallenged testimony of the PW-1 from where I find that this Petitioner is the wife of Respondent and out of their wedlock one female child has been begotten but after passing couple of year this Petitioner was subjected to torture in different manners and ultimate she was oust from the matrimonial house and when no any reconciliation take place between them she was compelled to institute this suit.

Considering the facts and circumstances of this case and unchallenged testimony of PW-1, I find that there is no reason to disbelieve the case of this Petitioner as such I am of the opinion that the Petitioner/wife is entitled to get a decree as prayed for.

Thus the suit succeed ex parte.

Court fees paid correctly.

Hence, it is,

ORDERED

That the suit be and same is **decreed ex parte** but without costs.

Petitioner/wife do **get a decree of divorce**.

Accordingly the marriage tie between **Petitioner Tumpa Biswas and Respondent Bablu Biswas** which was solemnized on **28.05.2008** in accordance with Hindu rites & custom **is hereby declared dissolve from the date of this order.**

Inform.

Let the copy of this order be provide to the Petitioner/wife free of cost in accordance with established procedure along with copy of decree.

Dic. & Cor. by me,

Addl. Dist. Judge,
2nd Fast Track Court, Jalpaiguri