

Present: Smt. Anita Mehrotra Mathur, Addl. District Judge, 2nd Court, Darjeeling

Matrimonial Suit No. 01 of 2026
CIS No. 01 of 2026
Sri Sanjiv Rai Vs Smt. Prakriti Tamang (Rai)

Order No. 05 dated 02-06-2026:

Today is fixed for ex-parte hearing.

Petitioner is present by filing hazira.

Petitioner himself tendered examination in chief on affidavit as PW-1 and discharged. Marriage Registration Certificate is marked as Exbt. 1 and original Aadhaar Card is marked as Exbt. 2.

Record is taken up for hearing of argument.

Heard Ld. Advocate for petitioner.

Record is taken up for order.

Petitioner has filed this suit for divorce u/s 13(1)(i-b) of Hindu Marriage Act, 1955/ According to petitioner, marriage between petitioner and respondent was solemnized on 15.09.2015 according to Hindu rites and customs at Teesta Valley Tea Estate under P.S Rangli Rangliot within the jurisdiction of this Court. Both the petitioner and respondent after marriage started residing together as husband and wife and their marriage was consummated. One daughter namely Sanskriti Rai was born on 17.04.2018 out of this wedlock. After marriage relation between the parties was peaceful and cordial for several years. Since the year 2021 petitioner noticed drastic changes in the behaviour of respondent. Respondent started to disassociate her from petitioner in all matters and started refusing society of petitioner without any valid reason. Respondent expressed her desire to end relation with petitioner. On 25.03.2023 respondent left her matrimonial home permanently and deserted the petitioner without any reasonable cause. Well wishers and family members of petitioner tried their best to reconcile the matter between the parties but in vain. Hence this suit.

Respondent received summons but did not care to contest this suit and this suit proceeded ex-parte in terms of order No. 03 dated 13.04.2026 of this Ld. Court.

Petitioner examined himself by filing examination in chief on affidavit as PW1. PW-1 in his examination in chief supported his case.

On perusal of plaint, evidence of PW-1, Marriage Registration Certificate (Exbt. 1), it appears that marriage between petitioner and respondent was solemnized on 15.09.2015 according to Hindu rites and customs and they started living together at the house of petitioner as husband and wife and their marriage was consummated. One daughter was born out of this wedlock. On 25.03.2023 respondent withdrew herself from society of petitioner and deserted the petitioner without sufficient cause.

Contd... P/2

Matrimonial Suit No. 01 of 2026

Contd... order No. 05 dated 02-06-2026:

This suit filed on 27.01.2026 and it appears that respondent deserted petitioner for a continuous period more than two years.

As the suit proceeded ex-parte, so in absence of any contrary evidence either oral or documentary this Court has no option but to believe petitioner's case.

As a result suit is decreed ex-parte against respondent.

C.F. paid is found correct.

Hence it is,

ORDERED

that the instant Matrimonial Suit being No. 01 of 2026 be and the same is allowed ex-parte.

The petitioner, Sri Sanjiv Rai, is entitled to get a decree of divorce in ex-parte against the respondent Smt. Prakriti Tamang (Rai) on the ground of desertion. The marital tie, in between Sri Sanjiv Rai and Smt. Prakriti Tamang (Rai) solemnized on 15-09-2015 gets dissolved from this day.

Let a copy of this judgment be handed over to the Petitioner free of cost.

Dictated and Corrected by me:

Sd/-

Additional District Judge
2nd Court, Darjeeling.
JO Code: WB00649

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