

**Matrimonial Suit No. 69 of 2025**  
**CNR No.-WBBK090001512025**

**Shri Kapil Mandal.....Petitioner**

**Vs.**

**Smt. Soumili Das..... Respondent**

**Shri Ashish Mukhopadhyay ..... Ld. Advocate for the petitioner**

**Shri Ajay Kumar Panda ..... Ld. Advocate for the respondent**

**Proceedings U/S 27 of the Special Marriage Act, 1954.**

**Order No.10**

**08.04.2026**

Today is fixed for hearing of the suit exparte.

The petitioner is present by filing hazira.

Ld. Advocate for the petitioner is present before the court.

The petitioner, Sri Kapil Mandal is examined as PW-1 and Smt. Jyotsna Mandal, the mother of the PW-1 is examined as PW-2.

Ld. Advocate for the petitioner submits that they will not examine any other witness and necessary order as per the prayer of the petitioner should be passed.

Heard. Considered.

Perused the instant petition praying for decree of divorce filed by the petitioner and other materials on the case record.

The contention of the Petitioner in the instant suit in short is that the marriage between the parties was solemnized on 24-10-2019 at Suri under the provision of law provided u/s 27 of the Special Marriage Act, 1954. The said marital relation has not yet been dissolved by an order of any competent court. The petitioner states that he is an Assistant Professor (WBES) in a Government College at Ranibandh, Bankura and the respondent is now an Assistant Teacher at Suri Rameswari Mata High School, Suri.

The petitioner states that the parties got acquainted with each other through 'Facebook'. Gradually they fell in love and ultimately their marriage was solemnized before the Marriage Registrar at Suri on 24.10.2019 under the said provision of the Special Marriage Act, 1954.

As per the contention of the petitioner husband prior to the solemnization of their marriage it was mutually decided between the parties that the petitioner would be going to Suri on weekends and the respondent would be coming to her in-laws house during her vacations. After the completion of the registration the petitioner returned to his house and the respondent

Contd...P-2

went to her paternal home. The petitioner states they used to maintain their contact over telephone, 'Facebook' and 'Whatsapp' regularly. But after a few months of the marriage, the family members of both the families agreed to hold the ceremonial functions of the marriage and thereafter the rites and rituals were performed on 01.12.2019 in the maternal uncle's house of the respondent at Chittaranjan. On 02.12.2019 the respondent came to her matrimonial home and "Fulsajja" ceremony was held in the house of the petitioner. As per the contention of the petitioner, no sexual relation occurred between the parties on that day due to the unwillingness on the part of the respondent.

The petitioner further states that though the respondent stayed in the house of the petitioner for 6 days, there was absolutely no sexual relation between the parties. The respondent avoided to have such relation on different pretext. The petitioner did not insist his wife because he thought that due to shyness she behaved in such a manner which would become normal after lapse of some time. On the 7th day both of them went to Suri and on 09.12.2019 the petitioner returned to his house at Khatra.

The petitioner also states that he used to visit to Suri on the weekends and respondent also used to come to Khatra. The respondent was totally disagreed to have any matrimonial relation with the petitioner. The petitioner became surprised to such conduct of the respondent. The petitioner when wanted to know about the reason of such refusal by the respondent, she failed to give any satisfactory reply to him. The respondent then started to ill-behave with the petitioner and his family members. She began to use filthy languages against the petitioner over telephone and also she used to send abusive text messages to him. The petitioner could not find out the reason but he became seriously shocked.

Thereafter the respondent began to create pressure upon the petitioner for keeping no contact with his parents. She expressed that she could stay with the petitioner only when the petitioner would be cutting off all the relations with his parents.

As per the allegation of the petitioner he tried his best to make the respondent understood the situation but she was adamant and no fruitful result could be obtained. The petitioner arranged for a pleasure trip to Digha with the respondent. He thought that the marital relation between them might be normal if they freely stay together for some days.

The petitioner further alleges that after reaching Digha the respondent refused to stay with the petitioner together unless the petitioner intimates his mother for cutting off all the relations. The petitioner then became very much surprised to such behaviour of his wife. However, in order to solve the problem he informed his mother accordingly over telephone. Thereafter the petitioner returned to Suri with the respondent. The petitioner noticed the conduct of his wife was not changed at all. Rather she became more rigid on her behaviour. Then on 29.11.2020 the respondent came to Khatra and stayed for a night. She took away all her belongings from her matrimonial home and left for Suri. Due to the said act of the respondent the petitioner became mentally upset and on 04.05.2022 he served an Advocate's Letter through his Ld. Advocate Abhishek Biswas to the respondent by registered post. But no positive response could be obtained from the respondent. The father of the petitioner passed away in the

meantime. The information relating to the death of the father of the petitioner was given to the respondent but she did not attend to perform the last rites. The petitioner then got terrific mental pain due to the said inhuman conduct on the part of the respondent and he is unable to condone such willful mental torture caused by the respondent.

It is further stated that the petitioner and the respondent lastly resided together at Swastik Bhaban, Subhaspally, Khatra which is within the jurisdiction of this court. The petitioner undertakes that there is no collusion in filing the instant suit. It is also declared by the petitioner that there is no chance of reunion between the petitioner and the respondent in future. In view of the above facts and circumstances, the petitioner became compelled to file the present suit before this court against the respondent.

Hence, the instant suit.

Ld. Advocate for the petitioner submits in detail stating that there is no chance of reunion between the parties in future and for that reason, the prayer of the petitioner should be allowed.

On perusal of the case record and going through the evidence available before the court, it appears that the relation between the parties practically has become meaningless and in view of that there is no hope for reunion between them for living together as husband and wife in future.

Considering the case record, it also appears to the court that there is no collusion between the parties in filing the present suit for the reason stated above.

The respondent was allowed ample opportunities to contest the suit by filing her written statement but she did not feel the necessity to come before the court and advanced her contention. Then after submission on behalf of the petitioner and taking into account the materials before the court, the suit was fixed for hearing ex parte. The petitioner and her mother deposed in this suit as PW-1 and PW-2 respectively. The marriage certificate of the parties, the Advocate's letter and the postal receipt as stated above are marked as Exbt.1, Exbt.2 and Exbt.3.

Therefore, in view of the above facts and circumstances of the case, materials in the record, submission of the Ld. Advocate for the petitioner, future lives of the parties, the spirit of the provision of law provided U/S 27 of the Special Marriage Act, 1954 and ultimately taking into account the interest of justice to the parties from broader point of view, this court finds that the petitioner has been successful to prove his contentions before the court by virtue of above evidences. In other words, the petitioner has been able to prove his contention before the court in the eye of law.

Accordingly, in my view, the petitioner is entitled to an order as per his prayer made out in the petition u/s 27 of the Special Marriage Act, 1954 dated 13.12.2023.

CF paid is correct.

Hence, it is,

**ordered**

the instant mat suit be and the same is allowed ex-parte without any cost.

The marital tie between the petitioner Sri Kapil Mandal, son of Late Sibaprasad Mandal, by religion Hindu, by occupation Teacher, residing at 'Swastik Sadan', Subhaspally, PS-Khatra, Dist-Bankura, PIN 722140, West Bengal and the respondent Smt. Soumili Das, wife of Sri Kapil Mandal, daughter of Late Muktipada Das, by religion Hindu, by occupation Teacher, resident of Rabindrapally, P.O+PS-Suri, Dist-Birbhum, PIN 731101, West Bengal stands dissolved with immediate effect.

The instant suit is accordingly disposed of without any order as to cost.

Note accordingly.

Dictated & Corrected by

A.D.J.  
Khatra, Bankura

Additional District Judge,  
Khatra, Dist.- Bankura  
J.O. Code WB00638