

Mat 403/24.
CNR no. WBJP 01-002756 -2024.

Order No. 27, Dated: 18.06.2026.

Today is fixed for passing necessary order.

Petitioner files hazira.

Now, the record is taken up for passing necessary order.

This is a suit for nullity of marriage filed by the petitioner/ wife, u/s. 25(i) of the Special Marriage Act.

The case of the petitioner in brief is that her was solemnized on 22.09.2023 with the respondent-O.P by virtue of registry marriage and after observing all the formalities, certificate was issued by the Marriage Officer, vide Certificate No.WB32800103021300502163-2023-105-285, dt. 22.09.2023. After solemnization of marriage, parties went to their respective house and used to live separately and in fact the marriage between the parties was never consummated due to willful refusal of the respondent to consummate the marriage. The specific allegation of the petitioner is that on repeated occasions, she requested the respondent to bring her in his house to start their marital conjugal life but no fruitful result was done. So, the marriage between the parties is required to annulled by a decree of nullity and the solemnization of the marriage between the parties is a mere paper work having no legal enforceability. According to such facts and circumstances, the petitioner filed the present case and prayed for nullity of marriage.

In the present case respondent though appeared but did not turn up subsequently, so the case proceeded ex parte against him.

In the present case, the petitioner has been examined as P.W.1 and documents have been marked as Exbt.1 (AADHAR card) and Exbt.2 (original marriage certificate).

On perusal of the averments made in the plaint and considering the unchallenged testimony of the petitioner as well as materials on record it has been established beyond reasonable doubts that the marriage was not consummated between the parties though their marriage was solemnized by way of registry marriage. It also appears that they never lived together as husband and wife and since solemnization of marriage, they lived separately. Since the marriage has not been consummated, so there is no bar to allow the prayer of the petitioner for nullity of marriage.

In view of the above I have no hesitation to hold that the petitioner has sufficient cause to file the instant suit and she successfully proved her case beyond all reasonable doubt and I do not find any impediment to grant a decree of dissolution of marriage as prayed for by the petitioner.

(2)

Hence, it is

Ordered

that the instant Matrimonial Suit be and the same is decreed exparte.

The marriage tie in between the petitioner-wife/Uma Sarkar and the respondent-husband/Debasish Sarkar is hereby dissolved by a decree of nullity.

Instant case is thus disposed off.

Decree be drawn up accordingly.

Note in the register.

Copy of the order be supplied to the petitioner free of costs.

Dictated & corrected by me.

Additional Sessions Judge,
4th Court, Jalpaiguri.

Additional Sessions Judge
4th Court, Jalpaiguri.