

Present : Shri R.N. Samanta, District Judge, Cooch-Bihar

Order No.9, dt.16.07.2015

The petitioner Shri Subir Pal is present by filing hazira.

The petitioner Shri Subir Pal files examination-in-chief by way of affidavit. Let the affidavit be accepted and kept with the record.

Now, the Suit is taken up for ex parte hearing.

Shri Subir Pal is examined as P.W.1 and discharged.

Evidence stands closed.

Heard ld. lawyer for the petitioner.

This is a Suit for dissolution of marriage u/s-27(1)(d) of the Special Marriage Act,1954.

Briefly stated, the case of the petitioner is as follows :-

The petitioner Shri Subir Pal was married to the respondent Smt. Rumpa Pal (Dey) and their marriage was registered under the Special Marriage Act,1954 on 21.08.2013. Their marriage was socially solemnized on 18.11.2013.

After their marriage, they lived together as husband and wife and their marriage was consummated. But three months after their marriage, the respondent stopped having cohabitation with the petitioner. Out of their wedlock, no child was born.

The petitioner's parents are old and ailing. But, the respondent refused to maintain them. The respondent created pressure upon the petitioner to live separately with her from the parents of him. While the petitioner declined to accept the proposal of the respondent, the respondent tortured the petitioner.

In order to give lesson to the petitioner, the respondent lodged an F.I.R. at Kotwali P.S. and the F.I.R. was registered as Kotwali P.S. Case No.611/2014 u/ss-498A/323, I.P.C. r/w. sec. 3/4, Dowry Prohibition Act against the petitioner, his parents and his married sister on false allegation.

The respondent has treated the petitioner with cruelty. The respondent left her matrimonial home and took shelter in her parental home on her own.

On 28-09-2014 before 'Durga Puja' the petitioner went to the parental home of the respondent to bring her back, but she flatly refused to go to the house of the petitioner. Hence, the Suit arose.

Contd.....

Mat. Suit No.166/2014

(Contd.....Or. no.9, dtd.16.07.2015)

It appears from the case record that despite sending summons to him, the respondent avoided to receive the summons. So, summons was advertised in a daily newspaper. Despite that, she did not turn up in Court to contest the Suit. So, the Suit proceeded ex parte against the respondent.

I have perused the evidence of P.W.1, Shri Subir Pal.

On perusal of the evidence of P.W.1, I find that the petitioner has been able to prove his case that the respondent has treated him with cruelty. I find no reason to disbelieve the unchallenged oral testimony of P.W.1.

In the result, the Suit succeeds ex parte.

C.F. paid is correct.

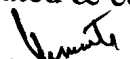
Hence, it is,

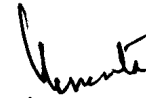
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that the Suit be decreed ex parte against the respondent without costs.

The petitioner do get decree of dissolution of marriage. The marriage between the petitioner Shri Subir Pal and the respondent Smt. Rumpa Pal (Dey) registered on 21-08-2013 under the Special Marriage Act is hereby dissolved.

Dictated & corrected,

  
District Judge,  
Cooch-Behar

  
District Judge,  
Cooch-Behar