

Mat Suit no. 197 of 2024.
CNR No. WBCB-05-000-789-2024.

Smt. Ayantika MandalPetitioner/wife,
Vs.
Sri Anup BarmanRespondent/husband.

Present : Smt. Sharmistha Ghosh-I, (J.O. Code : WB00997)
Additional District Judge, Dinhata.

Order No. 12,
Dated : 04-06-2026.

Hazira is filed on behalf of the petitioner/wife.

Today is date fixed for ex-parte hearing.

The petitioner/wife is present along with her Ld. Advocate.

The petitioner/wife is examined as P.W-1. Maternal uncle of the petitioner/wife is also examined as P.W-2.

Now the record is taken up for passing ex-parte order.

The petitioner/wife files the application under section 27(1)(b) of the Special Marriage Act, 1954 praying for divorce against her husband (herein after called as respondent) on the ground stated therein.

The petitioner's/wife's case in a nutshell is that she got married with the respondent/husband. The marriage in between the parties was registered on 30-04-2016 under the provision of Special Marriage Act and after marriage, both of them started living together as husband and wife. Out of the said wedlock, she gave birth to a male child. It is the contention of the petitioner that they have no understanding and position were not adjustable due to cruelty and torture of the respondent/husband. The respondent/ husband is a habitual drunker and he used to torture her physically and assaulted her mercilessly. When she protested, she was not served with proper food and clothing. Even the respondent abused her with filthy languages and lastly, on 11-07-2022 the respondent drove her out from her matrimonial home after merciless assaulting and seeing no other alternative, she took shelter at her parental house. Many salishies were held to settle the disputes between the parties but all in vain. The respondent/husband neither paid any maintenance to her nor took any information of her. All her efforts to reconcile the matter fails and accordingly she has filed this suit praying for divorce.

On receipt of notice the respondent/husband had entered appearance in this suit and prayed for time for filing written statement but

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subsequently he remained absent without taking any steps. Accordingly, the case is proceeded ex-parte against him.

In order to prove the case, the petitioner/wife examined herself as P.W-1 and also examined her maternal uncle as P.W-2. Original Marriage Registration Certificate filed by the petitioner is marked as exhibit-1.

On going through the unchallenged testimony of P.W-1 it appears that her testimony is found to have been corroborated with the version of her plaint. P.W-2 also supported the case of the petitioner/wife. I did not find anything to show that there is collusion in filing of this case. Hence, I find the petitioner is able to prove her case ex-parte.

C. F paid is sufficient.

Hence, it is

ORDERED

that the Mat Suit no. 197 of 2024 be and the same is hereby decreed ex-parte without any cost.

The marriage between Smt. Ayantika Mandal and Sri Anup Barman registered on 30-04-2016 is hereby dissolved by decree of divorce under Section 27 of the Special Marriage Act, 1954 from this day.

The Marriage Registration Certificate serial no. 35/2016 dated 30-04-2016 stands cancelled.

Let, a copy of order be supplied to the petitioner free of cost.

Dictated & corrected by me,
Sd/-

Additional District Judge,
Dinhata.

Sd/-

Additional District Judge,
Dinhata.