

**PRESENT :: Sri Ashutosh Kumar Singh, (WB01244)**  
**District Judge, Darjeeling**

**MAT SUIT No. 73 of 2025 (CIS No. 73/25)**

Shri Deben Gazmer .....Petitioner.

-VERSUS-

Smt. Jaimala Baraily .....Respondent.

**Order No. 10, Dated 08.04.2026**

Today is fixed for further evidence and further order.

Ld. Advocate for the petitioner is present.

Petitioner Shri Deben Gazmer is present and he is re-examined on recall. During his examination one birth certificate of his son is marked as Exbt. 1.

Evidence is closed.

The record is taken up for hearing of argument.

Heard argument in full. Order will be passed after recess.

Dictated & corrected by me,

Sd/-

District Judge, Darjeeling.

Sd/-

District Judge Darjeeling

**Later, dated 08.04.2026**

The record is taken up for passing order.

This is an application under section 13(1)(ib) of Hindu Marriage Act, 1955 filed by the petitioner praying for decree of divorce.

The plaint case, in a nutshell, is that the marriage between the parties was solemnized on 20.05.1996 as per Hindu Rites and Customs and after solemnization of marriage the petitioner and the respondent lived together as husband and wife in the house of the respondent. Due to the said wedlock one son namely Bhuwan Gazmer was born on 03.06.1997. After few days the respondent started to show unruly and indifferent behaviour towards the petitioner. The respondent frequently quarreled with him and neglected her marital obligations, causing the petitioner severe mental agony. Despite the petitioner's efforts to maintain peace and harmony in the matrimonial home, the respondent continued to abuse, neglect and fight with the petitioner, which caused great emotional pain and disturbed the peaceful marital relationship. Over the years the respondent completely deserted the petitioner and finally left his company on 06.12.2022 and has been living separately ever since. Having no other alternative the petitioner has filed the present suit. Hence the suit.

Despite receiving summons the respondent did not pay any heed to appear and contest the suit. Hence, the suit proceeded ex parte.

On behalf of petitioner he examined himself as PW-1 and one namely Buddha Raj Gazmer has been examined as PW-2. One birth certificate is marked as Exbt. 1.

After considering oral and documentary evidences it is crystal clear that the marriage in between the parties was solemnized. It is also evident that the respondent deserted the petitioner and left him since 06.12.2022 as since the petitioner has filed the instant suit on 24.09.2025 and sought for divorce on ground of desertion.

Accordingly, I do not find any reason to disbelieve the unchallenged testimony of the petitioner. Therefore, the petitioner is entitled to get a decree of divorce on the ground of desertion.

C.F. paid is sufficient.

Hence, it is

**ORDERED**

That the **Mat. Suit being number 73 of 2025** is hereby decreed ex-parte.

Accordingly, the marital tie between Shri Deben Gazmer and Smt. Jaimala Baraily solemnized on 20.05.1996 stands dissolved from this day.

**Dictated & corrected by me**

Sd/-

**District Judge, Darjeeling.**

Sd/-

**(Ashutosh Kumar Singh)**  
**(WB01244)**

**District Judge Darjeeling**