

Mat suit No. 126 of 2024
CIS No.125 of 2024
Present: Shri Akhilesh Kumar Pandey
JO CODE WB 00784
CNR NO.WBDJ01-0008172024

Order No.16
Dated: 18.04.2026

Petitioner files hazira.

Today is fixed for passing of ex-parte order.

Record is taken up for passing of order.

Perused the petition filed by the petitioner/husband Shri Pranit Thapa against the respondent/wife Smt. Shanti Tamang as respondent No.01 and Shri Sonam Sherpa as respondent No. 02 u/s 13 of the Hindu Marriage Act praying for decree of divorce of the marriage solemnized in between the petitioner/husband and the respondent No.1/wife on the ground of cruelty and adultery.

The said suit filed by the petitioner/husband was registered as Matrimonial Suit No.126 of 2024 and the fact stated by the petitioner/husband in his plaint is that both the petitioner/husband and the respondent/wife are Hindu by religion and Indian by Nationality and their marriage was solemnized on 11.03.2000 as per the Hindu Rites and Customs at the house of the petitioner and thereafter they lived together as husband and wife and their marriage was duly consummated and while staying together the respondent/wife also gave birth to a male child on 04.10.2024 and after passing few years of having cordial relationship in between them there started seeing incompatibility of temperament and differences of opinion towards each other and the petitioner/husband noticed that the liking of the respondent/wife towards the petitioner/husband was deteriorating day by day and in the year 2011, the petitioner/husband came to know that the respondent/wife is having an extra marital affair with the respondent No.02 and on 26.06.2021 when the petitioner/husband had gone out for his work, he was informed that the respondent/wife has left the matrimonial home taking all her belongings and on 27.06.2021 a missing diary was lodged by the petitioner/husband at Sonada Out Post as he could not trace out the whereabouts of the respondent/wife and thereafter, it was found that the respondent/wife had eloped with the respondent No.02 and both of them were called at the Police station, wherein the respondent/wife accepted that they had married each other and she also accepted that she had left the house wilfully and living with the respondent No.02 in his house and for which, the petitioner/husband filed the suit against the respondent/wife praying for the decree as prayed therein and hence, this suit.

Notice was issued in this suit upon both the respondents and none of them appeared in the suit to contest the same and in the result, the suit filed by the petitioner/husband was fixed for ex-parte hearing.

In course of ex-parte hearing of the suit, the petitioner/husband filed his evidence in-chief by way of an affidavit and tendered the same on oath as PW-01.

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The other witness examined by the petitioner in support of his case is Shri Prabhat Chettri who also filed his evidence in-chief by way of an affidavit and tendered the same on oath as PW-02 and the documents that has been filed with the evidence of PW-02 is marked as Exhibit P-01.

I have heard ex-parte argument made by the Ld.Advocate for the petitioner/husband in course of hearing of argument and have gone through the evidence in-chief filed by the petitioner/husband and his other witness PW-02 and have also gone through the document exhibited in the evidence of the PW-02 marked as Exhibit P-01.

What has been stated by the petitioner/husband in his plaint has been corroborated in the evidence of the petitioner filed by way of his evidence in-chief by way of an affidavit and the said evidence of the petitioner is also being corroborated by the evidence of the other witness examined by the petitioner as PW-02 and the documents exhibited in the evidence of the PW-02 marked exhibit P-01 is the document executed in the meeting of the local society dated 13.07.2021 wherein, it was decided that henceforth all the liabilities of respondent No.01 will be of respondent No.02 and that the petitioner will not have any liabilities against the respondent No.01/wife.

The exhibit P-01 itself shows that what has been stated by the petitioner in his plaint and in his evidence, there is nothing to disbelieve the same, and as the petitioner/husband has been found able to prove his case against the respondent/wife ex-parte, the petitioner/husband is entitled to get the decree as prayed for.

In the result, the case filed by the petitioner/husband against the respondent/wife praying for decree of divorce on the ground of adultery thus, succeed ex-parte and hence, it is,

ORDERED

that the matrimonial suit be and same being No.126 of 2024 filed by the petitioner/husband Shri Pranit Thapa against the respondent/wife Smt. Shanti Tamang praying for decree of divorce is thus, decreed ex-parte against the respondent/wife Smt. Shanti Tamang without any order as to costs.

The marriage solemnized on 11.03.2000 as per the Hindu Rites and Customs between the petitioner/husband Shri Pranit Thapa and the respondent/wife Smt. Shanti Tamang thus stands dissolved by way of a decree of divorce with effect from the day of passing of the decree.

Dictd.& Corrctd.by me,

Addl. District Judge, 1st Court,
Darjeeling.

Addl. District Judge, 1st Court,
Darjeeling.

