

**IN THE COURT OF THE ADDITIONAL DISTRICT JUDGE ,
AT KURSEONG, DARJEELING.**

Present: **Shri Hemanta Sinha.**
Additional District Judge,
Kurseong.

Mat Suit No. 45 of 2025

Smt. Prena Manger.....Petitioner
Vs
Sri Satyabrata Chettri..... Respondent

(An Application for under Sec. 13 of Hindu Marriage Act 1955).

Order No. 08
Dt. 20.04.2026

Today is fixed for ex-parte hearing of the instant suit.
The petitioner Smt. Prena Manga is present along with his Ld. Counsel.
The respondent did not appear to vacate the ex-parte hearing order.
Petitioner filed her affidavit-in-chief as well as her son's original Birth Certificate .Marked as Exhbt.1. She is examined on oath as P.W.1 and discharged.
Hd. Ld lawyer.
Perused the entire materials of the CR.
Considered.
Petitioner preferred the instant suit U/S 13 of the H.M. 1955 Act praying for a decree of Divorce .
The epitome of the petitioners' plaint is that their marriage was solemnized on 23.01.2015 at the residence of the petitioner according to Hindu Rites and ceremonies. After marriage they started to live as husband and wife at the house of the respondent/ husband at Paila Goan, Mirik Busty, PO & Sub-Division Mirik District Darjeeling and their marriage was consummated and that out of their said wedlock one son named Pragyan Chettri was born on 12.09.2015 and said minor son is living with petitioner and now he is studying in Class IV at KN Memorial School , Sittong , P.S. Kurseong and that petitioner marital ties with respondent seemed normal only for some years after marriage but after passing of the days she noticed changes in the behavior of respondent distancing himself away from petitioner quite unlike of a husband and she soon realized that the respondent and his family members are not happy with her and cracks began to appear in their relationship and that after the birth of her son she also noticed drastic change in the behavior of the respondent who started quarreling everyday on slightest pretexts and always had heated altercations whenever she speak with him and this became the order of their day to day life as a result she lost faith in her married life and also lost all trust or belief upon her husband /respondent who was not a responsible and faithful person from whom a wife normally ought to except at home and besides that she had always tried to be a devoted wife with full care and affection towards respondent and child and She always cared for and respected the family members of the respondent. That besides she also began to notice changes in the nature of the respondent who is indulging with other girls outside home with whom he try to remain in an affair like behavior which led her to think that he is not happy with her anymore. She as such even after becoming wife of the respondent and mother of his child could not get a peaceful life as the respondent was not leading a life of a good husband and this way of life gradually put her to great mental agony and hardship everyday. Thus, being subjected to such cruelty and harass behavior of respondent and his family members, the relationship as husband and wife between herself and respondent became bad to worse as both of term failed to compromise with each other's attitude, she have tried her best to lead a normal life as a wife but all her efforts gone in vain due to total willful neglect by the respondent towards her. Besides she under great hardship and agony started realizing that this will adversely affect her health and her son's future both mentally and physically and that the respondent and his mother also used to treat her badly on the pretext of not getting sufficient financial support her as she was jobless and in many such occasions the respondent used to raise hand and assault her and used to tell her to bring money from her parent's home. The respondent used to tell her to go to her parent's home leaving the minor son in Mirik thereby subjecting her to great pain,fear torture and helplessness as the respondent and his mother are influential persons of Mirk and that this strained relationship between herself and respondent became so grave and reached to point of no return and or reconciliation rather the respondent has created such an unbearable situation for her, that in the month of April 2017, she was compelled to leave her matrimonial home with her son and went to live with her parents and since then she have been living at the mercy of her father till date and that she even initially thought that after some times the respondent would react or respond as a responsible husband at least for the shake of his minor son but to her surprise the respondent even did not bother to know her well being or his son nor he tried to think how she managing her life and her son and that led her to work for the livelihood of herself and her son's education and upbringing as she had already become a burden to her parents who are also not financially sound and that , since April 2017 she along with her minor son are living in her parent's house at Sittong, Kurseong and the livelihood and all the cost of education of her son's solely borne by herself by doing private job.

Contd/-Order.....

.2.

Petitioner in his plaint further averred that the efforts are made by their relatives to resolve the dispute but the same did not change their relationship and accordingly they decided to get separated from each other. Hence, this suit.

Notice upon the respondent/ husband was duly served. But the respondent/ husband did not appear to contest the suit inspite of receiving notice. Hence, the suit proceeded ex-parte hearing .

In view of the above as well as having heard the submission of the Ld. Lawyer for the petitioner , I do not find any reason to disbelieve the unchallenged testimony of the petitioner and as such the petitioner is entitled to get decree as prayed for .

In the result, the instant suit succeeds ex-parte.

Court fee paid is correct.

Hence, it is

ORDERED

that the instant Mat.Suit 45/2025 be and the same is decreed ex-parte in favour of petitioner. The marriage tie between the parties i.e petitioner/wife Smt. Prena Manger and respondent/ Sri Satyabrata Chettri solemnized on 23.01.2015 is hereby dissolved by a decree of divorce U/Sec. 13 of the H.M. Act from the date of this order. The present case accordingly stands disposed of.

D/C by me

Sd/- Shri Hemanta Sinha
Additional District Judge,Kurseong.