

Mat Suit No. 6 of 2026
CNR No. WBDJ070000192026
JO CODE : WB00659

Present : Sri Utpal Misra, District Judge, Kalimpong

Order No. 7, Dated : 29.06.2026

1. Today is fixed for ex-parte order and hazira has been filed on behalf of the petitioner.

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

3. It appears from the record that the petitioner Mr. Praveen Pradhan has filed the instant suit u/s 13(1)(ib) of the Hindu Marriage Act, 1955, against his wife/respondent, Mrs. Kalpana Thapa praying for dissolution of their marriage by a decree of divorce.

4. It further appears from the record that in spite of receiving summons, the respondent Mrs. Kalpana Thapa did not appear to contest the instant suit. So, the instant suit had been fixed for ex-parte hearing.

5. The suit was thereafter heard ex-parte on 06.06.2026 and on that day the petitioner Mr. Praveen Pradhan by way of filing examination-in-chief in the form of affidavit had examined himself ex-parte as PW-1 and during the course of his examination, he had filed photocopy of his Aadhaar Card as well as photocopy of the Birth Certificate of his daughter namely, Sulochana Pradhan and those had been marked as Exhibits-1 and 2 respectively.

6. The case of the petitioner in a nutshell is that he got married with the respondent on 04.02.2001 as per the Hindu rites and customs in a temple situated at Pedong Bazar, District Kalimpong within the jurisdiction of this court. Thereafter, the parties lived as husband and wife at Pedong Bazar, Near Panchayat Office, District Kalimpong and they were blessed with a daughter namely, Sulochana Pradhan who was born on 17.08.2002 at Pedong Rural Hospital, District Kalimpong.

7. It is the further case of the petitioner that in the year 2009 the respondent got a job in Kuwait and after that, she used to visit her matrimonial home only once in two years. The petitioner took full care of their daughter who is presently doing her studies in Delhi and the respondent is taking care of their daughter's education expenses. Till the year 2020, prior to the pandemic, the respondent used to visit her matrimonial home during her holidays from her job in Kuwait but after the pandemic, she stopped visiting and visits her father's house during her holidays. In order to meet their daughter also, the respondent calls their daughter in her father's house at Dokyong 1, P.S. Pedong, District Kalimpong. Presently also, the respondent is at her father's place but has not visited her matrimonial home.

8. It has been further contended by the petitioner that since 2020, he and the respondent stopped having conjugal relationship of husband and wife. The petitioner has been subjected to mental cruelty and desertion by the respondent and he tried his best to

restore his relationship but failed. So, the petitioner has decided to file the present application for dissolution of their marriage on 20.02.2026.

9. According to him, there is no proceeding pending between the parties and there is no collusion and/or connivance between them with respect to the subject matter of the present petition. Hence, the petitioner has prayed for necessary order of decree of divorce dissolving their marriage.

10. Considering the unchallenged testimonies of the petitioner/applicant and the documents filed in order to prove his case, this court is of the view that the petitioner/husband Mr. Praveen Pradhan has proved his case ex-parte that he got married with the respondent on 04.02.2001 as per the Hindu rites and customs in a temple situated at Pedong Bazar, District Kalimpong within the jurisdiction of this court. Thereafter, the parties lived as husband and wife at Pedong Bazar, Near Panchayat Office, District Kalimpong and they were blessed with a daughter namely, Sulochana Pradhan who was born on 17.08.2002 at Pedong Rural Hospital, District Kalimpong. In the year 2009 the respondent got a job in Kuwait and after that, she used to visit her matrimonial home only once in two years. The petitioner took full care of their daughter who is presently doing her studies in Delhi and the respondent is taking care of their daughter's education expenses. Till the year 2020, prior to the pandemic, the respondent used to visit her matrimonial home during her holidays from her job in Kuwait but after the pandemic, she stopped visiting and visits her father's house during her holidays. In order to meet their daughter also, the respondent calls their daughter in her father's house at Dokyong 1, P.S. Pedong, District Kalimpong. Presently also, the respondent is at her father's place but has not visited her matrimonial home. Since 2020, the parties stopped having conjugal relationship of husband and wife. The petitioner has been subjected to mental cruelty and desertion by the respondent and he tried his best to restore his relationship but failed. So, the petitioner has decided to file the present application for dissolution of their marriage on 20.02.2026.

11. It is revealed that both the parties have been residing separately for more than two years prior to institution of the instant suit by the petitioner and their relationship has reached a point of no return. So, considering all, this court is of the view that the petitioner is entitled to get the decree of dissolution of their marriage ex-parte which was solemnized on 04.02.2001 by a decree of divorce as per section 13(1)(ib) of the Hindu Marriage Act, 1955.

Court fees paid is sufficient.

Hence, it is,

ORDERED

that the instant Mat. Suit be and the same, is allowed ex-parte against the respondent/wife, Mrs. Kalpana Thapa.

The petitioner, Mr. Praveen Pradhan do get a decree of divorce against his wife, Mrs. Kalpana Thapa, in respect of the marriage between them which was solemnized on

04.02.2001 and the same is hereby dissolved.

The order shall be effective from this day.

The instant matrimonial suit is thus accordingly disposed of.

Let a copy of this order be given to the petitioner free of cost.

Dictated & Corrected,

Sd/-

District Judge,
Kalimpong
29.06.2026

Sd/-

District Judge,
Kalimpong
29.06.2026