

Mat Suit No. 34 of 2026
CNR No. WBDJ070000992026
JO CODE : WB00659

Present : Sri Utpal Misra, District Judge, Kalimpong

Order No. 7, Dated : 27.07.2026

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. Nawraj Rai has filed the instant suit u/s 10(ix) of the Divorce Act, 1869, against his wife/respondent, Mrs. Rahel Rai @ Rayal Rai 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. Rahel Rai @ Rayal Rai 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 16.07.2026 and on that day the petitioner Mr. Nawraj Rai 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 his original 'Certificate of Marriage' (torn condition) issued by the Presbyterian Free Church Council, Kalimpong and photocopy of his Aadhaar Card as well as the photocopy of the Birth Certificate of his daughter namely, Shristi Rai and those had been marked as Exhibits-1, 2 and 3 respectively.

6. The case of the petitioner in a nutshell is that he and the respondent eloped and got married on 12.11.2000 and started living together as husband and wife in his house and their marriage was later solemnized on 03.10.2009 according to Christian rites and rituals in a church. Thereafter, the said marriage was duly consummated and the parties were blessed with a daughter namely, Shristi Rai who was born on 21.12.2004 and is living with the petitioner and has been under his care till now.

7. It is the further case of the petitioner that immediately after marriage, the parties used to have verbal discussions due to his poor financial condition as he is a daily wage labourer and the respondent was also unemployed at that time. As the child was growing, the financial strain on the family was rapidly increasing and one day the respondent mentioned about her desire to go abroad for work, so that their financial condition could improve. The petitioner thought that if the respondent worked, then it would definitely benefit the household so he somehow managed to gather some money and sent the respondent to Singapore as a domestic help.

8. According to the petitioner, the respondent went to Singapore in the year 2016 and after reaching there she stayed in touch with him for some time over the phone but after few months, she completely avoided him and stopped taking his calls and made no attempts to establish any form of communication with him. The petitioner made multiple attempts to establish contact with the respondent but she blocked his phone number and

also denied to talk to the family members. The petitioner being a labourer, had no means to communicate with the respondent but during her initial days in Singapore, she had talked about her friend named Kalpana Rai, whom his daughter would call once in while to talk to the respondent.

9. It has been further contended by the petitioner that on 18th July, 2018 the friend of the respondent called him and told that the respondent had left for India but even after two days of her arrival, she made no effort to contact him. Hence, the petitioner also filed a missing diary and through there he came to know that the respondent had no desire to communicate with him and had taken up a job in Sikkim. Ever since 2016 the parties have not lived together as husband and wife so, the petitioner has decided to file the present application for dissolution of their marriage on 02.06.2026.

10. According to him, there is no proceeding pending between the parties 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.

11. 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. Nawraj Rai has proved his case ex-parte that he and the respondent eloped and got married on 12.11.2000 and started living together as husband and wife in his house and their marriage was later solemnized on 03.10.2009 according to Christian rites and rituals in a church. Thereafter, the said marriage was duly consummated and the parties were blessed with a daughter namely, Shristi Rai who was born on 21.12.2004 and is living with the petitioner and has been under his care till now. Immediately after marriage, the parties used to have verbal discussions due to the poor financial condition of the petitioner as he is a daily wage labourer and the respondent was also unemployed at that time. As the child was growing, the financial strain on the family was rapidly increasing and one day the respondent mentioned about her desire to go abroad for work, so that their financial condition could improve. The petitioner thought that if the respondent worked, then it would definitely benefit the household so he somehow managed to gather some money and sent the respondent to Singapore as a domestic help. The respondent went to Singapore in the year 2016 and after reaching there she stayed in touch with the petitioner for some time over the phone but after few months, she completely avoided him and stopped taking his calls and made no attempts to establish any form of communication with him. The petitioner made multiple attempts to establish contact with the respondent but she blocked his phone number and also denied to talk to the family members. The petitioner being a labourer, had no means to communicate with the respondent but during her initial days in Singapore, she had talked about her friend named Kalpana Rai, whom his daughter would call once in while to talk to the respondent. On 18th July, 2018 the friend of the respondent called the petitioner and told that the respondent had left for India but even after two days of her arrival, she made no effort to contact him. Hence, the petitioner also filed a missing diary and through there he

came to know that the respondent had no desire to communicate with him and had taken up a job in Sikkim. Ever since 2016 the parties have not lived together as husband and wife so, the petitioner has decided to file the present application for dissolution of their marriage on 02.06.2026.

12. 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 03.10.2009 by a decree of divorce as per Section 10(ix) of the Divorce Act, 1869 on the ground of desertion.

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. Rahel Rai @ Rayal Rai.

The petitioner, Mr. Nawraj Rai do get a decree of divorce against his wife, Mrs. Rahel Rai @ Rayal Rai, in respect of the marriage between them which was solemnized on 03.10.2009 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
27.07.2026

Sd/-

District Judge,
Kalimpong
27.07.2026