

Mat Suit No. 63 of 2025
CNR No. WBDJ070001552025
JO CODE : WB00659

Present : Sri Utpal Misra, District Judge, Kalimpong

Order No. 18, Dated : 16.06.2026

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 Mrs. Lila Giri has filed the instant suit u/s 13(1) of the Hindu Marriage Act, 1955, against her husband/respondent, Mr. Bimal 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 Mr. Bimal 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 23.03.2026 and subsequently on 02.06.2026. The petitioner Mrs. Lila Giri by way of filing examination-in-chief in the form of affidavit had examined herself ex-parte as PW-1 and during the course of her examination, she had filed photocopies of her Voter I/D Card and Aadhaar Card and those had been marked as Exhibits-1 and 2 respectively.

6. The case of the petitioner in a nutshell is that her marriage with the respondent was solemnized on 29.12.2010 as per Hindu rites and customs at Sakyong, Upper Menchu, P.S. Lava, District Kalimpong which is within the jurisdiction of this Court. After the said marriage, the parties started living together as husband and wife at the house of the respondent at the above mentioned address and they were blessed with a daughter namely, Albina Rai who was born on 10.12.2013 and is now reading in Class VI at St. George Higher Secondary School, Pedong, Kalimpong.

7. It is the further case of the petitioner that after marriage they were happy with each other but after few months, the respondent started behaving absolutely different towards her and time and again he used to misbehave with her. Thereafter from 12th March, 2015, cracks began to appear in their relationship and both of them lost their faith upon each other and started to mistrust each other as their feelings, thoughts and nature were completely in contrast to each other. The relationship between them went from bad to worse as both of them failed to compromise with each other's attitude and moreover, the respondent continuously misbehaved and subjected the petitioner to torture owing to which she was compelled to leave her matrimonial home on 22nd May, 2022 and had to live at her parental home at Lohapool, Upper Runchung, District Darjeeling. Since then the parties have been residing separately. So, the petitioner has decided to file the present application for dissolution of their marriage on 06.09.2025.

8. According to her, 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.

9. Considering the unchallenged testimonies of the petitioner/applicant and the documents filed in order to prove her case, this court is of the view that the petitioner/wife Mrs. Lila Giri has proved her case ex-parte that her marriage with the respondent was solemnized on 29.12.2010 as per Hindu rites and customs at Sakyong, Upper Menchu, P.S. Lava, District Kalimpong. After the said marriage, the parties started living together as husband and wife at the house of the respondent at the above mentioned address and they were blessed with a daughter namely, Albina Rai who was born on 10.12.2013 and is now reading in Class VI at St. George Higher Secondary School, Pedong, Kalimpong. After marriage the parties were happy with each other but after few months, the respondent started behaving absolutely different towards the petitioner and time and again he used to misbehave with her. Thereafter from 12th March, 2015, cracks began to appear in the relationship between the parties and both of them lost their faith upon each other and started to mistrust each other as their feelings, thoughts and nature were completely in contrast to each other. The relationship between them went from bad to worse as both of them failed to compromise with each other's attitude and moreover, the respondent continuously misbehaved and subjected the petitioner to torture owing to which she was compelled to leave her matrimonial home on 22nd May, 2022 and had to live at her parental home at Lohapool, Upper Runchung, District Darjeeling. Since then the parties have been residing separately. So, the petitioner has decided to file the present application for dissolution of their marriage on 06.09.2025.

10. 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 29.12.2010 by a decree of divorce as per section 13(1)(ia) 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/husband, Mr. Bimal Rai.

The petitioner, Mrs. Lila Giri do get a decree of divorce against her husband, Mr. Bimal Rai, in respect of the marriage between them which was solemnized on 29.12.2010 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
16.06.2026

Sd/-

District Judge,
Kalimpong
16.06.2026