

Mat Suit No. 70 of 2025
CNR No. WBDJ070001982025
JO CODE : WB00659

Present : Sri Utpal Misra, District Judge, Kalimpong

Order No. 13, Dated : 29.07.2026

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. Donald Takchung Lepcha has filed the instant suit u/s 10(ix) of the Divorce Act, 1869, against his wife/respondent, Mrs. Amrita Tamang @ Lama 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. Amrita Tamang @ Lama 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 02.07.2026 and on that day the petitioner Mr. Donald Takchung Lepcha 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' issued by St. Maurice Church, Suruk, Kalimpong and photocopy of his Aadhaar Card as well as the photocopy of the Birth Certificate of his daughter namely, Dorien Takchung Lepcha 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 solemnized their social marriage on 09.02.2010 at St. Maurice Church, Suruk as per Christian rites and customs within the jurisdiction of this Court in presence of their family, friends, well wishers and relatives. After the said marriage, the parties lived together as husband and wife at the residence of the petitioner and then shifted to the residence of the respondent at Kalijhora and their marriage was duly consummated. Subsequently, they were blessed with a daughter namely, Dorien Takchung Lepcha who was born on 14.01.2011 and is presently studying in Class VIII at St. Philomena Girls Higher Secondary School and is under the care and custody of the petitioner.

7. It is the further case of the petitioner that initially the marital relationship between him and the respondent was healthy and running smoothly but with the passage of time, their relationship began to sore owing to their difference in thought, mentality and family backgrounds. Lots of misunderstanding cropped up between the parties but for the upbringing of their child and to safeguard their marital relationship, they were leading their relationship in a compromised manner. Slowly, the respondent started changing her behaviour towards the petitioner and from 10.06.2018 she totally withdrew herself from his society and totally neglected and deserted him. So, the petitioner has decided to file the present application for dissolution of their marriage on 03.11.2025.

8. 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.

9. 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. Donald Takchung Lepcha has proved his case ex-parte that he and the respondent solemnized their social marriage on 09.02.2010 at St. Maurice Church, Suruk as per Christian rites and customs within the jurisdiction of this Court in presence of their family, friends, well wishers and relatives. After the said marriage, the parties lived together as husband and wife at the residence of the petitioner and then shifted to the residence of the respondent at Kalijhora and their marriage was duly consummated. Subsequently, the parties were blessed with a daughter namely, Dorien Takchung Lepcha who was born on 14.01.2011 and is presently studying in Class VIII at St. Philomena Girls Higher Secondary School and is under the care and custody of the petitioner. Initially the marital relationship between the petitioner and the respondent was healthy and running smoothly but with the passage of time, their relationship began to sore owing to their difference in thought, mentality and family backgrounds. Lots of misunderstanding cropped up between the parties but for the upbringing of their child and to safeguard their marital relationship, they were leading their relationship in a compromised manner. Slowly, the respondent started changing her behaviour towards the petitioner and from 10.06.2018 she totally withdrew herself from his society and totally neglected and deserted him. So, the petitioner has decided to file the present application for dissolution of their marriage on 03.11.2025.

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 09.02.2010 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. Amrita Tamang @ Lama.

The petitioner, Mr. Donald Takchung Lepcha do get a decree of divorce against his wife, Mrs. Amrita Tamang @ Lama, in respect of the marriage between them which was solemnized on 09.02.2010 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
29.07.2026

Sd/-

District Judge,
Kalimpong
29.07.2026