

Mat Suit No. 15 of 2026
CNR No. WBDJ070000392026
JO CODE : WB00659

Present : Sri Utpal Misra, District Judge, Kalimpong

Order No. 6, Dated : 05.06.2026

1. The petitioner files hazira.
2. Today is fixed for ex-parte order.
3. Now the case record is taken up for passing ex-parte order.

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

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

6. The suit was thereafter heard ex-parte on 25.05.2026 and on that day the petitioner Mr. Binoy Gurung 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 photocopies of his Aadhaar Card and Voter I/D Card as well as two marriage photographs and those had been marked as Exhibits-1, 2 and 3 series respectively.

7. The case of the petitioner in a nutshell is that the marriage between him and the respondent was solemnized on 25th July, 2016 as per Hindu customs, traditions, rites and rituals at Lower Gairi Gaon, Paten Godak Khasmahal, Jaldhaka Hydel Project, Kalimpong within the jurisdiction of this court. After the said marriage, the parties started living in the petitioner's house at the above mentioned address and their marriage was duly consummated.

8. It is the further case of the petitioner that after two years of marriage, some differences arose between him and the respondent but he was still trying to maintain the relationship of husband and wife between them. Thereafter on 15th November, 2021 the respondent deserted the petitioner without any reason. The petitioner repeatedly called the respondent to resolve the dispute and live together and to start a family but the respondent refused the same. The respondent is not in contact even with the family members of the petitioner and she has neglected her role as a wife and daughter-in-law for reasons best known to her only and since 15th November, 2021 there has been no relationship between the petitioner and the respondent. So, the petitioner has decided to file the present application for dissolution of their marriage on 20.03.2026.

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. Binoy Gurung has proved his case ex-parte that the marriage between him and the respondent was solemnized on 25th July, 2016 as per Hindu customs, traditions, rites and rituals at Lower Gairi Gaon, Paten Godak Khasmahal, Jaldhaka Hydel Project, Kalimpong. After the said marriage, the parties started living in the petitioner's house at the above mentioned address and their marriage was duly consummated. After two years of marriage, some differences arose between the petitioner and the respondent but the petitioner was still trying to maintain the relationship of husband and wife between them. Thereafter on 15th November, 2021 the respondent deserted the petitioner without any reason. The petitioner repeatedly called the respondent to resolve the dispute and live together and to start a family but the respondent refused the same. The respondent is not in contact even with the family members of the petitioner and she has neglected her role as a wife and daughter-in-law for reasons best known to her only and since 15th November, 2021 there has been no relationship between the petitioner and the respondent. So, the petitioner has decided to file the present application for dissolution of their marriage on 20.03.2026.

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 25.07.2016 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. Simona Chhetri.

The petitioner, Mr. Binoy Gurung do get a decree of divorce against his wife, Mrs. Simona Chhetri, in respect of the marriage between them which was solemnized on 25.07.2016 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
05.06.2026

Sd/-

District Judge,
Kalimpong
05.06.2026