

Mat Suit No. 22 of 2026
CNR No. WBDJ070000492026
JO CODE : WB00659

Present : Sri Utpal Misra, District Judge, Kalimpong

Order No. 7, 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 Mrs. Kalyani Bhujel has filed the instant suit u/s 13(1)(ib) of the Hindu Marriage Act, 1955, against her husband/respondent, Mr. Sisir Mothay 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 Mr. Sisir Mothay 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 15.05.2026 and on that day the petitioner Mrs. Kalyani Bhujel 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 Aadhaar Card, Voter I/D Card and the first page of her Bank Passbook and those had been marked as Exhibits-1, 2 and 3 respectively.

7. The case of the petitioner in a nutshell is that she and the respondent having been in love, eloped and subsequently married on 19.04.2025 in a social marriage solemnized as per Hindu rites and rituals at the house of the respondent. After the said marriage the parties lived together as husband and wife at the residence of the respondent at 6th Mile, Ngassey Gaon, VTC Kalimpong Khasmahal, Kalimpong within the jurisdiction of this court and their marriage was duly consummated.

8. It is the further case of the petitioner that after marriage, the relationship between her and the respondent was normal but after due course of time, her relationship with the mother of the respondent did not go well due to differences in family backgrounds, personal habits and choices as a result of which the environment within the family became inhospitable and unpleasant day by day. Considering such situations at home, the respondent took the petitioner and shifted to a rented room at H.L. Dixit Road, Kalimpong and started living there. While the petitioner was living in the rented room with the respondent, the respondent used to visit his mother/home time to time. But after few months, there was an immense and considerable change in the attitude of the respondent. The respondent started picking up quarrel with the petitioner even on petty issues and used to be annoyed and angry most of the time. However, the petitioner tolerated such unpleasant and unfamiliar behaviour of the respondent.

9. It has been further contended by the petitioner that suddenly in the month of June, 2009 the respondent expressed his desire to leave the rented room due to financial

constraints telling her to remain in her parental home for the time being and that he would come back to take her later on. Accordingly on 12.06.2009 the respondent himself took the petitioner to her parental home at Dara Gaon, VTC Samthar Khasmahal, P.S. Reang, Kalimpong saying he will come back after making his mother understand about maintaining cordial relationship with the petitioner, sorting out whatever grudges or differences she had with the petitioner, thereby maintaining peace and homely environment in the house. Thereafter, the petitioner started living in her parental house and the respondent started living in his own house with his mother but the respondent gradually started avoiding the petitioner and her phone calls and did not take any initiative to take her back to her matrimonial home. The respondent did not perform any marital obligation since then and completely withdrew himself from the society of the petitioner and practically they have been residing separately for the last sixteen years. So, the petitioner has decided to file the present application for dissolution of their marriage on 31.03.2026.

10. 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.

11. 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. Kalyani Bhujel has proved her case ex-parte that she and the respondent having been in love, eloped and subsequently married on 19.04.2025 in a social marriage solemnized as per Hindu rites and rituals at the house of the respondent. After the said marriage the parties lived together as husband and wife at the residence of the respondent at 6th Mile, Ngassey Gaon, VTC Kalimpong Khasmahal, Kalimpong and their marriage was duly consummated. After marriage, the relationship between the petitioner and the respondent was normal but after due course of time, the petitioner's relationship with the mother of the respondent did not go well due to differences in family backgrounds, personal habits and choices as a result of which the environment within the family became inhospitable and unpleasant day by day. Considering such situations at home, the respondent took the petitioner and shifted to a rented room at H.L. Dixit Road, Kalimpong and started living there. While the petitioner was living in the rented room with the respondent, the respondent used to visit his mother/home time to time. But after few months, there was an immense and considerable change in the attitude of the respondent. The respondent started picking up quarrel with the petitioner even on petty issues and used to be annoyed and angry most of the time. However, the petitioner tolerated such unpleasant and unfamiliar behaviour of the respondent. Suddenly in the month of June, 2009 the respondent expressed his desire to leave the rented room due to financial constraints telling the petitioner to remain in her parental home for the time being and that he would come back to take her later on. Accordingly on 12.06.2009 the respondent himself took the petitioner to her parental home at Dara Gaon, VTC Samthar

Khasmahal, P.S. Reang, Kalimpong saying he will come back after making his mother understand about maintaining cordial relationship with the petitioner, sorting out whatever grudges or differences she had with the petitioner, thereby maintaining peace and homely environment in the house. Thereafter, the petitioner started living in her parental house and the respondent started living in his own house with his mother but the respondent gradually started avoiding the petitioner and her phone calls and did not take any initiative to take her back to her matrimonial home. The respondent did not perform any marital obligation since then and completely withdrew himself from the society of the petitioner and practically the parties have been residing separately for the last sixteen years. So, the petitioner has decided to file the present application for dissolution of their marriage on 31.03.2026.

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 19.04.2005 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/husband, Mr. Sisir Mothay.

The petitioner, Mrs. Kalyani Bhujel do get a decree of divorce against her husband, Mr. Sisir Mothay, in respect of the marriage between them which was solemnized on 19.04.2005 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