

In the Court of Additional District Judge, Haldia, Purba Medinipur.

Present : Shri Satyajit Maity, Addl. District Judge, Haldia, Purba Medinipur.
J.O. Code No. WB00987

Mat. Suit No. 49 of 2025

Order No. 09 dated 13.05.2026

Today is fixed for hearing argument and passing necessary order.

The petitioner is present by filing hazira. Ld. Lawyer representing the petitioner is also present in Court room.

The case record is taken up for hearing.

Ld. Advocate for the petitioner narrated the case of the petitioner and prays for a decree of divorce on the ground of cruelty and desertion.

Now, the case record is taken up for order.

The fact of the petitioner's case, in a nutshell, is that she is the legally married wife of the respondent Sanjay Gantait. The marriage between the petitioner and the respondent was solemnized on 31.08.2013 before the Marriage Registrar, Pritwish Dey of Sutahata, Dist. - Purba Medinipur according to Special Marriage Act, 1954 which is within the jurisdiction of this Court and the said marriage is still subsisting. After marriage the petitioner went to her matrimonial home at Vill. - Manirampur under PS - Sutahata. It is stated that out of said wedlock they have one issue but he is no more in this world. It is stated in the petition that after marriage, the respondent used to start ill behaved and tortured her both mentally and physically on demand of further dowry. It is also narrated in the plaint that the lastly, on 07.05.2024 the respondent drove out the petitioner from her matrimonial home. The petitioner was compelled to take shelter at her father's house and since 07.05.2024 she has been residing at her father's house and living separately from the respondent. It is further stated that petitioner and her family members tried for several times to settle the dispute but all their efforts went in vain. The petitioner has also stated that there is no collusion between the petitioner and the respondent in filing this suit. It is stated that the respondent has deserted the petitioner for a continuous period of more than two years which started on and from 07.05.2024 and the respondent also treated the petitioner with physical and mental cruelty. The petitioner has prayed for a decree of divorce on the ground of cruelty under Special Marriage Act.

On perusal of the case record, it appears that the respondent appeared before the Court by filing vokalatnama but, subsequently did not turn up and contest the case. Hence, the suit was fixed for ex parte hearing.

The petitioner is examined herself as PW-1 to prove her case. In her oral evidence PW-1 has narrated the incident in conformity with the allegation made in the plaint. It is stated that the petitioner and the respondent have been living separately and the respondent did not take any care

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of the petitioner. During evidence, PW-1 has proved their original Marriage Certificate marked as Ext. - 1. In support of this case, the petitioner has also examined her mother Kalpana Chaulya. Mother of the petitioner namely Kalpana Chaulya who has been examined as PW-2 has also corroborated case of the petitioner by adducing his evidence.

I have carefully perused the examination in chief on affidavits submitted by the petitioner (PW-1) and mother of the petitioner (PW-2) and the exhibited document. There is no reason to disbelieve the evidence of the petitioner regarding cruelty by the respondent. The petitioner has proved by her unchallenged testimony to the effect that the respondent/husband treated the petitioner with cruelty. It appears from the record that the present suit has been filed on 30.01.2025.

Having regard to the facts and circumstances of the case coupled with evidence on record, I am of opinion that the petitioner has been able to prove that the respondent treated the petitioner with cruelty by her unchallenged testimony which has also been supported by PW-2 (mother of the petitioner). Therefore, she is entitled to get a decree of divorce on the ground of cruelty.

In the result the suit succeeds.

C.F. paid is correct.

Hence, it is

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that the Mat. Suit be and the same is decreed ex parte against the respondent without any order as to costs.

Petitioner Mridula Chaulya (Gantait) do get a decree of divorce against her husband Sanjay Gantait on the ground cruelty and desertion.

The marital tie between the petitioner Mridula Chaulya (Gantait) n and the respondent Sanjay Gantait be dissolved with effect from this date.

Decree, be drawn up accordingly.

Dic. & corr. by me,

Sd/-
A.D.J., Haldia

Sd/-
Addl. District Judge,
Haldia, Purba Medinipur