

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. 140 of 2025

Order No. 08 dated 29.04.2026

Today is fixed for hearing argument and passing necessary order.

The petitioner has filed hazira through her learned Advocate.

I have heard the argument of the Ld. Advocate. So, the record is taken up for passing the order.

This is a suit for decree of nullity of marriage under section 25 of the Special Marriage Act, 1954.

This is the case of the petitioner Madhumita Bhunia Jana, in a nutshell, is that she married the respondent Dipak Jana on 25.11.2024 according to Special Marriage Act, 1954 before a Marriage Officer Mamata Panda of Nandigram, Haldia, District- Purba Medinipur. The marriage was registered and to that effect a Marriage Certificate No. WB3450040102020010151320240518 dated 25.11.2024 was issued by the said Marriage Officer. After marriage, the petitioner never went to the house of the respondent and as such, since that marriage, the petitioner and the respondent never cohabit and lived together. Then the petitioner having found no scope of consummation of her such voidable marriage with respondent Dipak Jana, decided to annul her marriage with him by obtaining a decree of nullity of marriage from the competent Court.

Thus, being compelled the petitioner instituted the present suit before this Court against the respondent praying for decree of nullity of her marriage with the respondent under section 25 of the Special Marriage Act, 1954.

It appears that the respondent has entered appearance in the suit but subsequently did not contest the the suit. Consequently, the suit has been heard *ex parte*.

It appears that in order to prove the cases, the petitioner Madhumita Bhunia Jana has been examined herself as P.W.1. During her evidence, P.W.- 1 has proved her marriage certificate marked as the Ext. -1. Mother of the petitioner Mousumi Bhunia has been examined as P.W.2. No other witnesses have been examined.

I have heard the arguments of learned Advocate of petitioner. According to the learned Advocate for the petitioner, although the petitioner was married to respondent and their marriage was registered in accordance with the provision of Special Marriage Act, 1954, their marriage was never consummated as they never happened to live together any where at any point of time as husband and wife. So being compelled the petitioner has instituted this suit for annulment of her marriage with the respondent Dipak Jana by way of a decree of nullity of marriage. Further contention of the learned Advocate is that the petitioner has successfully proved her case and as such, she is entitled to get a decree as prayed for.

I think, it will be useful to reproduce here the Section 25(i) of the Special Marriage Act, 1954. It lays down as :-

“Any marriage solemnized under this Act shall be voidable and may be annulled by a decree of nullity if – (i) the marriage has not been consummated owing to willful refusal of the respondent to consummate the marriage.”

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So, in order to have a decree of nullity of marriage under section 25(i) of the Special Marriage Act, 1954, the petitioner has to prove two points. Firstly, that the marriage has not been consummated and secondly, it was not consummated due to willful refusal of the respondent to consummate to marriage.

It is the case of the petitioner that she is the legally married wife of respondent and their marriage was registered according to Special Marriage Act, 1954 on 25.11.2024. It is also her case that the marriage of the petitioner and respondent is voidable as it is never consummated and the reason behind such non-consummation is the willful refusal of the respondent to consummate the marriage. On perusal of the evidence on record I find that it is an admitted position that the marriage of both parties was solemnized and registered on 25.11.2024 according to Special Marriage Act, 1954. Exhibit-1 (Marriage Certificate of Madhumita Bhunia Jana and Dipak Jana is the glaring evidence of such marriage).

It is manifestly clear that the petitioner has successfully proved her case. Nevertheless, obviously, the petitioner is entitled to get a decree of nullity of marriage.

In the result, the suit of the petitioner succeeds.

Court fee paid is sufficient.

Hence, it is

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that the Matrimonial Suit No. 140 of 2025 be and the same is decreed ex parte against the respondent but without any cost.

The petitioner Madhumita Bhunia Jana do gets a decree of nullity of marriage against her husband Dipak Jana under Section 25(i) of the Special Marriage Act. 1954.

It is hereby declared that the marriage of Madhumita Bhunia Jana solemnized and registered on 25.11.2024 with Dipak Jana before Marriage Officer Mamata Panda under the Special Marriage Act, 1954 is voidable and is annulled from this date.

Decree, be drawn up accordingly.

Dictated & corrected by me,

Additional District Judge,
Haldia, Purba Medinipur

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