

In the Court of the Additional District Judge, 1st Court at Contai, Purba Medinipur

Present: *Shri. Ajayendra Nath Bhattacharya*
Additional District Judge,
1st Court, Contai,
East Midnapore
JO Code: WB00819

Matrimonial Suit No. 745 of 2024.
CNR No: WBEM09-002104-2024

Smt. Somasri Maity (Payra)

..... Petitioner

Vs

Shri Kritisundar Payra

..... Respondent

For the petitioner: Smt. Anima Khatua, Ld. Advocate.

Order No: 10.
17-04-2026.

The petitioner is present by filing her attendances.

Today is fixed for passing order in this case. The record is accordingly taken up for passing order.

This is an application u/S. 13(1) (ia) and (ib) of the Hindu Marriage Act, 1955, [*hereinafter referred to as the HM Act*] preferred by one Smt. Somasri Maity (Payra) [*hereinafter referred to as the petitioner*] against one Shri. Kritisundar Payra [*hereinafter referred to as the respondent*] praying for dissolution of their marriage by a decree of divorce.

This Court has perused the application for grant of decree of divorce and considered the submissions of the Ld. Advocate for the petitioner in the light of the materials on record.

The case of the petitioner can be summarized to the effect that the marriage of the petitioner was solemnized with the respondent on 26-07-2013 at the paternal house of the petitioner situated at Monoharchak under PS: Contai in the district of Purba Medinipur in accordance to the Hindu rites and customs. At the time of the said marriage, the father of the petitioner had provided sufficient nuptial gifts. After the said marriage the petitioner went to her matrimonial house situated at Monoharchak under PS: Contai in the district of Purba Medinipur and started her conjugal life and the marriage was duly consummated. Out of the wedlock, the petitioner gave birth to a female child. But after few months from the marriage, the

respondent and his family members started to express their dissatisfaction over the quality and quantity of the nuptial gifts and put pressure on the petitioner to procure a sum of Rs. 50,000.00 from her father and also physically assaulted the petitioner over the said issue. She was also driven out from her matrimonial house on several occasions. The petitioner used to inform about the said incidents to her father and the dispute used to be reconciled and the respondent and his family members assured the father of the petitioner that they will not inflict any further torture on the petitioner. But the respondent and his family members failed to keep their words and continued to subject the petitioner to physical and mental torture. The petitioner tolerated the same with a hope that things will change in future but in vain. Lastly, on 17-05-2021, the respondent and his family members brutally assaulted the petitioner and drove her away from her matrimonial house and the petitioner was compelled to take shelter at her paternal house. Several attempts were made to reconcile the dispute but the same did not yield any fruitful result. The petitioner submits that there is no further chance of reconciliation between the parties and the marriage between the parties has broken down irretrievably. As such, the petitioner has been compelled to prefer the suit in question for dissolution of the said marriage by a decree of divorce.

Summons of the suit was issued on the respondent but he did not turn up to contest the same in spite of receipt of the same and as such the suit was directed to be heard ex parte against him in terms of order no. 06 dated 22-12-2025 as passed by this Court.

In order to substantiate her claim, the petitioner has examined herself as the PW-01 while one Smt. Sumita Maity, the mother of the petitioner, was examined by the petitioner as the PW-02. The photocopies of the Aadhaar Card of PW-01 and PW-02 have been marked into evidence as Exbt- 01 - 02 respectively.

On perusal of the evidence on record along with the exhibited documents, it is found that the marriage between the parties was solemnized and the parties lastly resided within the jurisdiction of this Court and accordingly this Court has the jurisdiction to entertain the present suit. It is also found from the evidence on record, that the marriage between the parties to this suit was solemnized on 26-07-2013 and the instant suit has been filed on 20-08-2024. So the suit has been filed after a period of more than one year from the date of marriage, which satisfies the requirement of S. 14 of HM Act.

On further perusal of the materials on record, it is found that the petitioner has adduced her evidence supporting her claims as made in the

application for divorce. The testimony of the petitioner has been corroborated by the PW-02. The respondent has chosen not to contest the suit. This Court finds no reasons to disbelieve the unchallenged testimony of the petitioner. Moreover, the fact that the respondent has chosen not to contest the suit also gives indication towards admission of the allegations of the petitioner to a great extent. On perusal of the evidence on record, it is found that the petitioner has clearly asserted that she was subjected to physical and mental torture at the hands of the respondent. As such, the petitioner has been successful to establish that she was subjected to cruelty after the solemnization of marriage and is accordingly entitled to a decree of divorce on the ground of cruelty. It is also found that the respondent had deserted the petitioner for a continuous period of more than two years prior to the preference of the application for divorce and as such the petitioner is also entitled to a decree of divorce on the ground of desertion as well.

On the whole, it can be said that the petitioner has been successful to establish her case and the suit succeeds.

C.F. paid is correct.

Hence, it is

ORDERED

that the instant suit being Matrimonial. Suit No. 745 of 2024 is hereby decreed exparte against the respondent but without any order as to costs. The petitioner does get a decree of divorce whereby the marriage between the parties to this suit which was solemnized on 26-07-2013 in accordance to the Hindu rites and customs stands dissolved.

DA to draw up the decree in terms of the above order in accordance to the relevant rules and regulations

Let a copy of this order be supplied to each of the parties at free of costs in accordance to law.

Dic. & Corr. by me.
Sd/-
Additional District Judge,
1st Court, Contai.

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Additional District Judge,
1st Court, Contai.
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