

Mat suit no.339/2023
CNR no.WBHG01- 002226-2023
(J.O Code WB00877)

Order no.35 dated 14.01.2026

Both the parties file their respective haziras.

Petitioner has filed written objection against the petition dated 04.12.2025 filed by the respondent.

Heard both sides.

Perused the petition and the written objection thereto and considered.

In the petition dated 04.12.2025, respondent has prayed for necessary direction to constitute a medical board for conducting further medical examination of the petitioner to ascertain any act of coitus in between the parties and subsequent biological changes in the body of the petitioner due to cohabitation.

Case record reveals that on earlier occasion, on the prayer of the respondent, this court was pleased to direct the petitioner to undergo medical examination to determine whether she had undergone any sexual activities with the respondent. On the basis of the order dated 21.05.2025, a report was submitted by the Superintendent, Imambara District Hospital, Hooghly, Sadar after examination of the petitioner by the doctors of medical board and the same was kept with the record. I also find from the order dated 18.06.2025 that vaginal swab of the petitioner was kept in sealed envelope for forwarding the same to CFSL, Kolkata and the respondent was directed to bear the cost of examination of the vaginal swab at CFSL, Kolkata.

The instant case has been filed by the petitioner/wife on the ground of nullity and it has been specifically pleaded by the petitioner that their marriage has never been consummated.

On the contrary, the respondent pleaded before the court that their marriage was duly consummated at his house and in order to establish the consummation of marriage, the respondent preferred an application for medical examination of the petitioner.

As I have already mentioned that report of medical examination of the petitioner has already received by this court, so at this stage, further medical examination of the petitioner is required to establish the alleged consummation of marriage as the dispute involved in this case is purely based on evidence of the parties. So, at this stage, this court finds it proper to concentrate only on the oral and documentary evidence to be adduced and produced by the parties in

course of evidence.

In view of my above discussion, I do not find any merit in the petition dated 04.12.2025.

Hence the petition dated 04.12.2025 stands **rejected** on contest.

Fix 07.03.2026 for further evidence of the petitioner.

Dictated & corrected by me

Additional District Judge,
1st Court, Chinsurah

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