

Present: Smt. Ratna Roy (J.O. Code - WB00914)
Additional District Judge, 1st Court, Serampore, Hooghly
Matrimonial Suit No. 247/2025
(C.N.R:- WBHG05-000564-2025)

Order No. 04 Dated 01.07.2026

Petitioners file their respective hazira.

An attempt of reconciliation is made between the petitioners but the petitioners did not agree to lead conjugal life together.

It appears that there is no love and affection between the petitioners towards each other. They do not intend to lead conjugal life any further. There is no chance of their reunion. Accordingly, the instant suit is taken up for hearing in camera.

Petitioners file their respective examination-in-chief on affidavit. Petitioner No. 2 also files certificate of marriage by firisti. Let the same be kept with the record.

Examined the petitioner No. 1, Malay Chakraborty in chief in full as PW-1. Also examined the petitioner No. 2, Ritwika Patra as PW-2 in chief in full. Certificate of marriage between the parties to the suit is marked as Exhibit-1 during examination of PW-2.

Heard the Ld. Lawyers. Perused the application under section 28 of the Special Marriage Act, evidence of PW-1 and PW-2 and exhibit. Considered.

The petitioners' case, in brief, is that their marriage was registered on 27.01.2005 by way of registration under Special Marriage Act, before the Marriage Officer. After the marriage, the petitioners resided together as husband and wife and the marriage between them was consummated. There is one major son out of wedlock of the parties to the suit. Since the inception of marriage both the petitioners could not adjust with each other due to difference in taste, temperament, culture and the relationship between them came to such a stage that it was not possible for them to live together as husband and wife. All attempts of reconciliation between the petitioners by their relatives, friends and well-wishers failed. Since 07.02.2023 the petitioners started residing separately. The petitioners have agreed together to get their marriage dissolved by a decree of divorce on mutual consent. There is no force, coercion or undue influence in obtaining the consent of the petitioners. There is no collusion between the petitioners in obtaining the decree. Hence, this suit.

From the evidence of PW-1 and PW-2 and exhibit, it is proved that their marriage was solemnized on 27.01.2005 as per Special Marriage Act by way of registration under Special Marriage Act, before the

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Marriage Officer. It is further proved from evidence of PW-1 and PW-2 that after the marriage they resided as husband and wife and marriage between the petitioners was consummated. There is one major son out of wedlock of the parties to the suit. Since the very inception the petitioners could not adjust with each other due to difference in their tastes, habits, temperament and choice and relationship between the petitioners came to such a stage that it was not possible for them to live as husband and wife. It is further proved that the petitioners are residing separately since 07.02.2023. More than six months and less than eighteen months have elapsed from the date of filing of this suit. No collusion appears to have taken place between the petitioners for obtaining decree as prayed for. There is no undue delay in filing the instant petition. It appears that the parties have agreed to get their marriage dissolved by a decree of divorce on mutual consent and their consent does not appear to be influenced by undue influence, force, coercion, threat or promise. There is no other impediment as to why decree as prayed for should not be granted.

C.F paid is correct.

Hence, it is

Ordered,

that the instant suit be and the same is decreed on mutual consent without cost. The petitioners do get a decree of divorce by dissolution of marriage, which was registered on 27.01.2005 by way of registration under Special Marriage Act. The marital tie between the parties to the suit shall stand dissolved with effect from this day. The marriage certificate, dated 27.01.2005, issued by Marriage Officer, Pranay Kumar Mukherjee, for the District of Howrah, stands canceled.

Dictated & corrected by me.

SD/-
(Ratna Roy)
Additional District Judge,
1st Court, Serampore.

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