Mat Suit – 653/2025 **J.O. Code : WB01302**

Order No. 05 dt. 18.4.2026

Today is fixed for hearing.

Petitioner No.1 Smt. Jyotshna Patra Dalui and Petitioner No. 2 Shekhar Dalui are present before this Court and they are represented by their Ld. Advocates.

The record is now taken up for hearing of the suit.

Both the petitioners are examined today on oath as P.W.1 and P.W.2 respectively wherein they have tendered their respective evidence-in-chief on affidavit. P.W.1 also tendered and proved the birth certificate of her child Kiron Dalui as proof of her marriage to the P.W.2 as the same mentions her name as the mother of the said child and mentions the name of the petitioner No.2 as father of the said child which is consequently marked as Exhibit-1. The evidence of the respective witnesses is closed. Formal argument is heard from the sides of the respective advocates of the respective parties.

The record is now taken up for passing order upon the hearing.

This is an application under section 13B of the Hindu Marriage Act, 1955 (hereinafter referred to as the "Act") filed by the parties jointly supported by an affidavit for dissolution of marriage on mutual consent.

The parties have adduced evidence on oath as P.W.1 and P.W.2 by filing their respective evidence-in-chief supported by affidavit to the tune of their application. In the said application, it has been contended that the marriage between the parties took place on 28.6.2009 as per Hindu rites and customs at Pashpur, under P.S Jangipara which is within the jurisdiction of this court. Thereafter the petitioner No.1/wife went with the petitioner No.2/husband to lead conjugal life with him at her matrimonial house under P.S Amta, Dist. Howrah. The birth certificate of their child Kiron Dalui which has been tendered as proof of their marriage as the same mentions her name as the mother of the said child and mentions the name of the petitioner no.2 as father of the said child which has been marked as Exhibit-1. The parties have stated that they are living separately since 15.11.2015 i.e. for a period of more than one (1) year before presenting the joint application for dissolution of their marriage on 20.8.2025, and that they are not in a position to live together further for the given reasons. They have voluntarily and mutually agreed that their marriage should be dissolved.

Learned counsels for the parties referring to the joint application and deposition submitted that there is no chance of reunion and that both the parties have voluntarily agreed to dissolve their marriage on mutual consent and that there is no legal bar or impediment in granting the relief as prayed for. They prayed for a decree of dissolution of marriage on mutual consent of the parties.

On perusal of the joint application for dissolution of marriage on mutual consent and the evidence adduced by the parties, it appears that the Court has jurisdiction to

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entertain the present application in terms of section 19 of the said Act as the marriage took place within the territorial jurisdiction of this court. After the marriage, the parties started their conjugal life but the same did not last, as consequent to disputes and differences between them, they started residing separately on and from 15.11.2015. The present application has been filed after more than one year of their marriage and thus the provision of section 14 of the said Act has been complied with. The period of 6 months as referred to in section 13B (2) of the said Act has been completed before the application is taken up for hearing. It appears from the joint application and the affidavit-in-chief filed by the respective parties that there is no likelihood of resumption of the conjugal life of the parties and that their matrimonial relationship has reached a level beyond recovery and that they are not able to reside together as husband and wife. It also appears that they have voluntarily decided to file the present application for dissolution of marriage on mutual consent. The said fact has been proved by the parties while adducing evidence on oath. In absence of any evidence to the contrary, there is no reason to disbelieve their testimony and there appears no collusion between the parties.

In view of the aforesaid facts and circumstances of the case and in absence of any legal impediment, the marriage between the parties should be dissolved by a decree of divorce.

Fixed Court fees have been paid.

It is hereby

O R D E R E D

that the present application for dissolution of marriage registered as Matrimonial Suit No. 653 of 2025 is hereby allowed on consent of the parties. However, there is no order as to costs.

The marriage between the parties namely, ***Smt. Jyotshna Patra Dalui*** *Daughter of Sri Sukumar Patra* and ***Shekhar Dalui,*** *son* of Astapada Dalui hereby stands dissolved with immediate effect on mutual consent of the parties in terms of section 13B(2) of The Hindu Marriage Act, 1955.

Decree be prepared accordingly.

Let a copy of this order be supplied to the parties at free of cost in terms of section 23(4) of The Hindu Marriage Act, 1955.

The application is hereby decided and disposed of.

Dictated & Corrected by

Sd/-

Addl. District Judge, 2nd Court
Serampore.

Sd/-

Addl. District Judge, 2nd Court
Serampore.