

Order No. 04 dt. 28.4.26

Today is fixed for hearing.

Petitioner No.1 Smt. Rakhi Yadav (Das) and Petitioner No. 2 Sri Mintu Kumar Das are present before this Court and they are represented by their respective 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 marriage certificate as proof of her marriage to the P.W.2 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 28 of the Special Marriage Act, 1954 (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 PW1 and PW2 by filing their respective examination-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 was registered on 26.5.2020 under The Special Marriage Act, 1954 before the Marriage Officer which is within the jurisdiction of this court and their marriage was subsequently consummated. After marriage the petitioner No.1 went to her matrimonial home with the petitioner No.2 i.e. under P.S Rishra where the parties lived together as husband and wife which is also within the jurisdiction of this court. The Marriage Registration Certificate is marked as Exhibit 1. They have stated that they were living separately since 10.5.2024 i.e. for a period of more than one (1) year before presenting the joint application for dissolution of their marriage on 03.9.2025, and that they are not in a position to live together further for the given reasons. They voluntarily have mutually agreed that their marriage should be dissolved on mutual consent.

Learned counsel for the respective 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.

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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 entertain the present application in terms of section 31 of the said Act as the marriage took place within the territorial jurisdiction of this court and also as the parties last resided together within the territorial jurisdiction of this court. After the marriage, the parties started their conjugal life but the same did not last for a long time as consequent to disputes and differences between them, they started residing separately on and from 10.5.2024. The present application has been filed after more than one year of their marriage and thus the provision of section 29 of the said Act has been complied with. The period of 6 months as referred to in section 28(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 has been paid.

It is hereby

ORDERED

that the present application for dissolution of marriage registered as Matrimonial Suit No. 683 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. Rakhi Yadav (Das)**, daughter of Sri Dukhan Prasad Yadav and **Sri Mintu Kumar Das**, son of Sri Nripendra Chandra Das dated **26.5.2020** hereby stands dissolved with immediate effect on mutual consent of the parties in terms of section 28(2) of the Special Marriage Act, 1954.

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Decree be prepared accordingly.

Let a copy of this order be supplied to the parties at free of cost in terms of section 34(4) of The Special Marriage Act, 1954.

The application is hereby decided and disposed of.

Dictated & Corrected by

Addl. District Judge, 2nd Court
Serampore.

Addl. District Judge, 2nd Court
Serampore.

