

**In the Court of Addl. District Judge, Chandernagore, Hooghly.**

Present : Kazi Abul Hasem  
Addl. District Judge, Chandernagore,  
Hooghly.

**Mat Suit No. 186 of 2022.**

CNR No.WBHG09-000558 -2022

**Smt. Supriya Bhattacharya ( Dutta ).....Petitioner no.1**

**Vs**

**Sri Asish Bhattacharya.....Petitioner no.2**

This is an application U/S-28 of the Special Marriage Act, 1954.

**Order no. 02 dated 22.11.2022:**

Both the petitioner nos. 1 and 2 file their haziras. Both the petitioners nos. 1 and 2 file their respective affidavit in chief in support of their statement / evidence. With respect to their affidavit in chief in support of their evidence, they both are examined by this Court as P.W-1 and P.W-2. Before their examinations are done by this Court, this Court asked them in its anti chamber. ( for the purpose of attempting to reconcilile their relationship by way of re-union, if feasibly be possible or not ) whether they could reconcile their relationship or not by way of reunion. During such discourse both the petitioners ( husband and wife ) emphatically submitted that they are not at all willing or interested in the relationship and they both have decided to go for mutual divorce. Even they told that if they are further made to sit for such reconciliation, it would be then a case of utter futility. Thus, this Court is satisfied that they have already set their mindset to go for divorce without opting out this petition.

Petitioner no. 02 has filed the original certificate of marriage which it shows that their marriage was registered on 27.06.2020 under the Special Marriage Act,1954 which is marked as Exbt.1 on behalf of the both the parties.

Now after getting the above evidence recorded, this Court heard the learned Advocates for the parties. Perused their petition as well as their respective evidence as adduced today.

From their petition as well as from their respective depositions, it appears that they got married and their marriage was solemnized on 14.06.2020 before the Special Marriage Officer and the same was registered on 27.06.2020 as per the Special Marriage Act,1954. It also appears from their depositions as recorded under their oath that they have been living separately from each other since 22.11.2020 and more prior to their making application before this Court for mutual divorce.

After marriage, they were living as husband and wife and subsequently, in their matrimonial relationship, dispute arose out of which they lastly decided they would no more continue in the said relationship for which they mutually decided to live apart from each other by way of obtaining the decree of divorce on mutual basis.

In view of the aforesaid factual context, I find no reason to disallow the petition filed by the petitioner nos. 1 & 2 under section -28 of the Special Marriage Act, 1954 praying for granting a decree of divorce on mutual consent.

Hence, it is

**ORDERED**

that the petition filed by the petitioner nos. 1 & 2 namely **Smt. Supriya Bhattacharya ( Dutta ) and Sri Asish Bhattacharya** under section -28 of the Special Marriage Act, 1954 praying for granting a decree of divorce on mutual consent be and the same is considered and allowed.

Accordingly, the petitioner nos. 1 & 2 do get a decree of divorce on mutual basis ( consent ) for which their marital tie which was solemnized and registered on 14.06.2020 and 27.06.2020 respectively under the Special Marriage Act, 1954 is severed and dissolved from the date of this order.

Marriage Certificate be kept with the record and the same should not be handed over to the party producing it before this Court in order to prevent the misuse of the same.

Office is directed to draw up the decree within the stipulated period .

Thus, this Mat. Suit hereby stands disposed of.

Record a brief note of this order in the relevant register and at the same time the CIS be updated with the result of this order.

Sd/-

( Kazi Abul Hasem )

Addl. District Judge,  
Chandernagore, Hooghly.  
J.O code no.W.B-00787