

**IN THE COURT OF THE ADDITIONAL DISTRICT AND SESSION JUDGE,  
FTC, CHANDERNAGORE, HOOGHLY.**

**Matrimonial Suit No. 266 of 2025**

**Smt. Preeti Bose @ Halder**

..Petitioner

Vs.

**Sri Subal Haldar**

...Respondent

**Order No.08 dt.11.05.26**

The instant case is fixed today for passing ex-parte order.

Hazira filed for the petitioner.

The case record is taken up for passing ex-parte order.

The petitioner / wife has filed an application under section 13(1)(ia)(ib) of the Hindu Marriage Act 1955 praying for divorce against her husband (herein after called as respondent ) on the ground of cruelty and desertion. Respondent/husband did not turn up. As a result by an order dt.04.02.26 the suit was taken up for ex parte hearing and today is fixed for order.

In brief it is the case of the petitioner that she was married to the respondent and their marriage was solemnized on **07.01.10** as per Hindu Marriage Act. Their marriage was consummated and petitioner gave birth of her son on **27.12.2010**.

During her stay at her matrimonial house her husband used to misbehave with her and treated her as maid servant. He had demanded further dowry to lead his life lavishly. She had endured the same with an expectation of better future. She had also intimated the fact to her parents. The respondent had again misbehaved with her when he came to know about the fact that she had disclosed the fact to her parents. After that he had physically assaulted her and drove her out from her matrimonial house along with her minor son. Having no other alternative she took shelter at her parent's house. Respondent is totally indifferent about her and did not contact with her nor paid her any money as their maintenance for a period of 12 years. Being compelled by the situation she has filed the present suit.

Hence, the suit.

The petitioner/wife was examined ex-parte as PW-1 . Examination-in- chief on Affidavit was tendered. The petitioner/wife while examining herself as P.W-1 in this case has testified on oath the material averments made in her application and almost reproduces the statements made in the petition for divorce and states that due to persistent cruelty she was compelled to file this suit. Further to substantiate her case she has produced following documents;

- a) Aadhar card of the petitioner (exhibit -P1)
- b) The birth certificate of her son (exhibit – P2).

There is nothing to disbelieve the unchallenged ex-parte evidence of the petitioner/wife regarding alleged cruelty. At this stage no collusion is forthcoming. Marriage was solemnized on **07.01.10** as per Hindu Marriage Act. After that the petitioner gave birth of her son on **27.12.2010**. Further the instant suit was initiated on 17.06.25 i.e. more than one year from the date of solemnization of their marriage. The petitioner/wife at the time of presentation of the plaint as well as at present has been residing within the jurisdiction of this Court. So there is no bar on the ground of jurisdiction to grant the relief prayed for. However, it is interesting to note that the ground on which the petitioner has prayed for divorce is none other than “cruelty”. The term cruelty has not been defined in the Hindu Marriage Act. To get an idea about ‘cruelty’, we have to come across different judicial pronouncement. In Samar Ghosh v. Jaya Ghosh [ Appeal (civil) No.151 of 2004 dated 26.03.2007, before Supreme Court of India and before Bench B.N Agarwal, P.P Naolekar, Dalveer Bhandari] AIR online 2007 SC 347, the Hon’ble apex court has pointed out and categorized certain human conduct as mental cruelty, but the list is obviously not exhaustive because each case presents it’s own peculiar factual matrix and existence. For which in K. Srinivas Rao vs D.A. Deepa, AIR 2013 SUPREME COURT 2176 Hon’ble apex Court had again added certain other human conduct as mental cruelty. Moreover, respondent has failed and neglected his duty towards his wife and he failed to perform the marital obligations, which itself amounts to cruelty. Therefore, there is no impediment to grant the relief as the petitioner has prayed for.

C. F paid is sufficient.

Hence, it is

**ORDERED**

that the Matrimonial Suit No. **266 of 2025** be and the same is hereby decreed ex-parte under section **13(1)(ia)(ib)** of the Hindu Marriage Act 1955.

The petitioner **Smt. Preeti Bose @ Halder** do get the decree of divorce (ex-parte) of marriage as per provision of **under section 13(1)(ia)(ib)** of the Hindu Marriage Act 1955 against her husband **Sri Subal Haldar**.

The alleged marriage between **Smt. Preeti Bose @ Halder** and **Sri Subal Haldar** was solemnized on **07.01.10** as per Hindu rites and customs stands dissolve by a decree of divorce.

Handover a copy of this order to the petitioner free of cost forthwith.

The marital tie between the parties stands terminated with immediate effect.

Decree to be drawn up within a week from the date of this order.

Dictated & corrected by me

Addl. District Judge,  
F.T.C, Chandernagore, Hooghly  
(J.O. Code - WB00971)

Addl. District Judge,  
F.T.C, Chandernagore, Hooghly  
(J.O. Code - WB00971)