

In the Court of The Additional District Judge,
2nd Court, Barrackpore, North 24 Parganas.

MAT SUIT NO.2317/2025

CIS No.- 2383 of 2025

CNR No. WBNP-1400-4554-2025

JO Code - WB00874

***Present: Sri Basant Sharma,
Additional District Judge,
2nd Court , Barrackpore, North 24 Pgs.***

Petitioners..... Sri Rohit Prasad Jayswal and Smt. Priya Shaw

Order No. 04 dt. 21.04.2026

Both the parties are present by filling hazira.

The case record is taken up for reconciliation. However, reconciliation has failed between the parties failed.

The record is taken up for hearing and passing order.

This is a suit **under section 28 of the Special Marriage Act 1954**, jointly filed by petitioners for decree of divorce on mutual consent.

It is stated in the joint application that the marriage between both the petitioners was solemnized on 10.09.2024 according to Special Marriage Act, 1954 at the Office of Marriage Registrar namely Alpana Goswami at 58, Mona Dutta Sarani, P.S. Bizpur, District- North 24 Parganas, PIN-743145. Subsequently after the marriage petitioner no.1 and petitioner no.2 started to reside together at G.P. Road, Jadunath Bati, P.O. Hazinagar, P.S. Naihati, District- North 24 Parganas where the marriage was duly consummated. No issue was born out of their wedlock. After date of marriage differences in temperament and attitudes towards life as well as cultural differences surfaced between the petitioner inhabiting them from leading normal marital life. Although the petitioners tried their level best to resolve such differences mutually, their attempts bore no fruits. Their endeavour towards resolving such differences the petitioners also took the help of their parents, friends and

relatives but unfortunately failed to arrive at any mutually agreeable solution to keep the marriage intact. As a consequence it became very difficult for both the petitioners to live together in their matrimonial home as husband and wife and the wife/petitioner no.2 left her matrimonial home on 15.09.2024 and started living with her parents at above noted address. The cause of action of the suit arose since 15.09.2024, since the parties started to reside separately.

Before commencement of hearing of the case, the court has also made the effort to reconcile the matter between the parties by way of reconciliation but it was failed in spite of its best effort.

In order to establish the facts mentioned in the joint application, both the petitioners have examined themselves and they have filed their respective examination-in-chiefs on affidavit. Petitioners have been examined in the dock as P.W. 1 and P.W.2 respectively.

The petitioners have also filed and proved their, Aadhaar Cards and Marriage Registration Certificate. The xerox copy of Aadhaar Cards and Voter Photo Identity card are marked as Ext-1 & Ext-3 respectively. The Marriage Registration Certificate is marked as Exhibit-2.

After going through the evidence and contents of the joint petition, I find that the petitioners being husband and wife have been living separately for a continuous period of more than one year and they have not been able to live together as husband and wife and it appears that there is no chance of their re-union. The court has itself made reconciliation between the parties enabling them for reunion but they remained firm on their decision of dissolution of marriage. Since the parties have been living separately from each other for more than one year before the filing of the instant suit and it appears that there is no chance of their living together as husband and wife, as such the marriage between the parties should be dissolved by mutual consent.

There is nothing in their petition as well as their examination-in-chief on affidavit on which basis it can be said that the petition is filed in collusion between the parties or the consent has been obtained by force, fraud or undue influence.

In view of the above discussions and observations, this court comes to the conclusion that the petitioners are entitled to get decree of

divorce on mutual consent.

Court fees paid, is sufficient.

Hence it is,

ORDERED

that the petition filed by the petitioners u/s 28 of the Special Marriage Act, 1954 dt. 22.09.2025 registered as **Mat suit no. 2317/2025 (CIS-2383 of 2025)** is allowed.

The marriage solemnized between the parties on 10.09.2024 is dissolved by a decree of divorce on mutual consent with effect from this day.

Copy of this order be given to the parties free of cost.

Note in relevant register.

CIS be uploaded.

D/C by me

ADJ.2nd, BKP

Additional District Judge
2nd Court, Barrackpore,
North 24 Parganas.