

Mat. Suit No. 634/2025

C.N.R No. WBJP01-004472-2025.

Order No. 05, dated 04.06.2026.

Today is fixed for hearing.

Both parties are present. Both of them deposed before this court by filing their respective examination-in-chief. Both of them are examined and discharged accordingly. The photocopy of the AADHAR card of the petitioner no.1/husband, original Marriage certificate, photocopy of the birth certificate of their male child and photocopy of the AADHAR card of the petitioner no.2/wife are marked as Exbts.1 to 4 respectively.

Now, the case record is taken up for passing order in respect of the petition u/s.28 of the Special Marriage Act.

Perused the petition u/s.28 of the Special Marriage Act, the deposition of PW-1 and PW-2 and Exbts.1 to 4.

It appears that marriage between the parties was solemnized on 20.05.2005 according to the Special Marriage Act, 1954 before Marriage Registrar Officer, vide M.C No.65/2005, dt. 20.05.2005 and the said certificate has been marked as Exbt.2. Thereafter, they stayed together at the house of the petitioner no.1, i.e within the jurisdiction of this Court and their marriage was duly consummated and in their wedlock, a male child was born namely, Rajdipta Dey, who is now living with his father. It is stated in the petition that the parties led conjugal life up to 11.03.2022 as disputes and differences cropped up between them and since then, they had been staying separately. Their mutual friends and acquaintances put effort for a reconciliation between them but resumption of marital life couldn't be possible. The petitioner and the respondent have mutually decided that the marriage between the parties be dissolved by a decree of divorce and filed the instant petition u/s. 28 of the Special Marriage Act. It appears that there is no chance of further reconciliation. Even this court tried to reconcile the dispute between the parties but all in vain. It will be useless to compel them to carry on with a paper relationship. Under such circumstances, I find no impediment to allow the instant application when the parties to this case are unable to live together as husband and wife and they have

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mutually agreed to end their nuptial ties and their such decision is voluntary. It appears that no fraud was practiced upon by either of the parties and there is no collusion behind filing of the present suit.

C.F paid is sufficient.

Hence,

Ordered

that the application U/s 28 of the Special Marriage Act is allowed. The marriage tie between **Abhishek Dey** and **Smt. Sarwari Siddique** solemnized on **20.05.2005** as per Special Marriage Act is hereby dissolved by a decree of divorce with effect from this date. Decree be drawn accordingly.

A copy of this order and decree be supplied free of costs to both the parties under the provision of Special Marriage Act, 1954.

Dictated & Corrected by me.

Additional District Judge,
4th , Jalpaiguri.

Additional District Judge,
4th Court, Jalpaiguri.

04.06.2026.

J.O. Code – WB00619.