



**The Court of Additional District Judge,
Fast Track 2nd Court, Alipurduar.**

District-Alipurduar.

Present :Sri Pukar Pradhan,
Addl. Dist. & Sessions Judge,
FTC-II, Alipurduar.

Matrimonial Suit No.45/2023

CIS Registration No.45/2023

CNR No. WBJP050002002023

Sri Debrup Banerjee.....Petitioner/husband,

Versus.

Smt. Mayurakshi Banerjee (Sen)Respondent/wife,

Order No. 18 Dtd. 16.03.2026

- 1) Today is the date fixed for argument and judgment.
- 2) The respondent/ wife files hazira through Ld. Advocate.
- 3) From the record it is apparent that the respondent / wife initially appeared before the Court and contested the suit but she failed to cross-examine the witness and failed to adduce her own witness. Hence, the present suit proceeded in terms of **Order 17, Rule 3 of CPC.**
- 4) Now the case record is taken up for passing exparte order.
- 5) From the case record following excerpts of fact in issue involved in the suit is summarized as follows:
 - (a) The case was initiated by **Sri Debrup Banerjee** by filing an application U/S 9 of the Hindu Marriage Act. 1955 seeking a relief of *Restitution of Conjugal Rights* with respondent/wife **Smt. Mayurakshi Banerjee (Sen).**

In is contended by the petitioner that:

- (b) He got married to the respondent/wife on 07.02.2022 according to Hindu Rite & Rituals and later on, the said marriage was registered.
- (c) After marriage they lived together as husband and wife at the house of the petitioner at village Station Road under P.S. & District Alipurduar. However, the respondent / wife stayed only for five days at her matrimonial home and she was reluctant to lead conjugal life with the petitioner / husband, as her parents given her marriage with



the petitioner / husband against her will. The respondent / wife also inflicted mental torture upon the petitioner / husband and his old aged widow mother.

(d) It is further contended that on 17.04.2022 the respondent / wife left her matrimonial home on her own will and went to her father's house along with all her belongings.

(e) The petitioner / husband further contended that he sent lawyer notice on 09.09.2022 with a request upon to respondent / wife to come back to her matrimonial home and she received the same on 10.09.2022, even though she did not return back to her matrimonial home.

(f) Thereafter, on 09.11.2022 the respondent / wife gave birth of a male child.

(g) Despite of repeated requests made by the petitioner / husband, the respondent/ wife refused to resume her conjugal ties without any lawful excuse and on 17.04.2022 when the resp / wife left the house of the petitioner, refused to return and she disclosed that she was not interested to reside with her husband / petitioner.

(h) On 05.07.2023 the respondent / wife appeared before the Court by filing vakalatnama and also filed her written statement but in spite of that she failed to cross-examine the witness of the petitioner / husband and on 20.09.2025 the evidence was closed and the case record was fixed for DW. Thereafter, on 07.01.2026 the time petition filed by the respondent / wife rejected and the case record was fixed for argument in terms of Order 17, Rule 3 of CPC.

Considered :-

6. On 13.02.2025 the petitioner/husband deposed in support of his contention as PW1 however, the respondent / wife failed to cross-examine him and even failed to adduce any evidence on her behalf rendering the evidence of the petitioner / husband conclusive.

7. Having considered the facts and circumstances and the unchallenged testimony of the petitioner, as well as it is seen that since 2022 the respondent/wife is residing at her paternal house



8. In such circumstances, I do not find any legal impediment to pass a decree of restitution of Conjugal Rights as prayed for by the petitioner/husband.

In view of the deliberation made above, **it is**

ORDERED,

(i) That the petitioner **Sri Debrup Banerjee**, S/o Late Debasish Banerjee residing at Station Road, Alipurduar, PS- & Dist- Alipurduar is entitled to get the decree of **Restitution of Conjugal Rights** as prayed for, against his wife **Smt. Mayurakshi Banerjee (Sen)**, W/o Sri Debrup Banerjee, D/o- Sri Ramen Sen residing at United Complex, near Electric Office, Samuktala Road, Alipurduar, P.O., PS and Dist. Alipurduar and accordingly, the Respondent/wife is directed to resume her matrimonial ties and relations with the petitioner within one month of passing of this order.

(ii) The instant suit [**Mat Suit No.- 45/2023**] be and the same is thus disposed of exparte but without any order of cost.

(iii) Let a copy of this order be handed over to the petitioner at-once free of cost.

(iv) Let the decree be drawn up in terms of order 20 Rule 6A of CPC and noted down in relevant register and CIS.

(v) Let the case record be consigned to the record room maintaining all formalities.

Dictated & corrected by me;

Addl. District & Sessions Judge,
FTC-II, Alipurduar

Addl. District & Sessions Judge,
F T C-II, Alipurduar.
[WB-01097].