



Presented on : 29-01-2024
Registered on : 29-01-2024
Decided on : 11-05-2026
Duration: 2years, 3months, 13days

**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.36/2024
CNR No. WBJP050002252024

Bishunu Barman @ Bishnu Barman
.....Petitioner/Husband,

Versus.

Ratna Roy @ Ratna Ray
.....Respondent/Wife,

Order No. 15 Dtd. 11.05.2026

- 1) Today is the date fixed for ex-parte hearing.
- 2) The plaintiff/petitioner is present before this Court and files hazira.
- 3) The case record is taken up for passing exparte order.
- 4) From the case record following excerpts of fact in issue involved in the suit is summarized as follows:
 - (a) The case was initiated by **Bishunu Barman @ Bishnu Barman** by filing an application U/S 27 (2) (d) of Special Marriage Act, 1954 seeking divorce from the respondent/wife **Ratna Roy @ Ratna Ray**.

In is contended by the petitioner that:

- (b) He got married to the respondent/wife on 13.06.2022 under Special Marriage Act, 1954 before the Marriage Registrar namely Sanchay Ghosh, Alipurduar. After marriage, the petitioner / husband took the respondent/wife to his house and started to reside there as husband and wife.
- (c) After few days of marriage, the respondent/wife started quarrels with all the members of her matrimonial house and also abused the petitioner / husband in obnoxious slang languages.
- (d) On numerous occasions, the respondent/wife used to leave her matrimonial house without informing the petitioner / husband and his parents and went to her father's house and stayed there for a couple



of days. On 18.12.2022 the respondent/wife went to her paternal house with a pretext of a family programme at her father's house and for some family programme and assured the petitioner / husband to return back within seven days. But she did not return and when the petitioner / husband went there to bring her back, then she flatly refused to return. Not only that she also abused and misbehaved with the petitioner / husband.

(e) Lastly, on 09.01.2023 the petitioner / husband went to father's house of the respondent/wife with a view to bring her back but the respondent/wife and her relatives assaulted him and told him that the respondent/wife would not return to his house and would not stay with him.

(f) Respondent/wife threatened the petitioner / husband that ever he would think of their rejoining then he would suffer police cases and for that reason there lies no such hope for any positive perspective in their relationship.

(g) Thereafter, the petitioner / husband files this suit to dissolve their marriage under Special Marriage Act, 1954 as they neither could live together nor are living together nor would be able to live together happily as husband and wife.

(h) The cause of action arose on the date of their marriage, consummation of their marriage, every date of infliction torture upon the petitioner / husband and all the causes arose within the territorial jurisdiction of this Court.

(i) The respondent/wife after receiving the summons appeared before the Court and contested the suit by filing 'V' Nama on 18.04.2024, however, she prays for time to file written statement. Thereafter, on 01.10.2024 the case proceeded exparte against the respondent/wife.

(j) Perused the pleading of the petitioner, along with the oral testimony available in the record. The evidence adduced by **PW1** supported the averment made in the petition filed by the petitioner/husband. Petitioner / husband also filed photocopy of Aadhaar Card and the original marriage certificate before this Court which has been marked as **Exhibit 1** in this case.



(k) Having considered the facts and circumstances and the unchallenged testimony of the petitioner/husband as well as the exhibited documents in this case, this Court is of the view that there is no scope at all for reconciliation and resumption of cohabitation. With utter dismay it has been noticed that the respondent/wife is not even willing to contest the case for divorce.

(l) In such circumstances, I do not find any legal impediment to pass a decree of divorce as prayed for by the petitioner/wife. In view of the deliberation made above, **it is**

O R D E R E D,

(i) That the petitioner **Bishunu Barman @ Bishnu Barman**, S/o Aksay Barman, residing at Vill – Birpara, P.S. & Dist- Alipurduar is entitled to get the decree of divorce as prayed for against his wife/respondent **Ratna Roy @ Ratna Ray**, W/o Bishunu Barman, D/o Premchand Barman of village Kumargramduar, P.S. Kumargram, Dist. Alipurduar and accordingly, his marriage dated 13.06.2022 under Special Marriage Act, 1954 with the respondent/wife is dissolved by the decree of divorce. The marriage certificate dtd.13.06.2022 stands cancelled.

(ii) The instant suit [**Mat Suit No.- 36/2024**] 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 Judge,
FTC-II, Alipurduar

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