

Matrimonial Suit No. 808 / 2022

Order No. 02 dtd. 02.05.2023:

Petitioners file their respective hazirahs.

An attempt of reconciliation is made between the petitioners but the petitioners did not agree to lead conjugal life together.

It appears that there is no love and affection between the petitioners towards each other. They do not intend to lead conjugal life any further. There is no chance of their reunion. Accordingly, the instant suit is taken up for hearing in camera.

Petitioners file their respective examination-in-chief on affidavit. Petitioner No. 1 also files original certificate of their marriage by firstly. Let the same be kept with the record.

Examined the petitioner No. 1 Smt. Chandrani Bose in chief in full as PW-1. Also examined the petitioner No. 2 Sri Soumen Bose as PW-2 further in chief in full. Original marriage certificate is marked as Exhibit-1 during examination of PW-1.

Heard the Ld. Lawyers. Perused the application under section 28 of the Special Marriage Act, evidence of PW-1 and PW-2 and exhibit. Considered.

The petitioners' case, in brief, is that they got married with each other on 16.06.2003 by way of registration under Special Marriage Act, before the Marriage Officer, Kalpana Ghosal, of 603, Jodhpur Park, Kolkata-700068. After the marriage, the petitioners resided together as husband and wife at the house of the petitioner No. 2 and the marriage between them was consummated. There is one minor son out of wedlock of the parties to the suit. Since the inception of marriage both the petitioners could not adjust with each other due to difference in taste, temperament, culture and the relationship between them came to such a stage that it was not possible for them to live together as husband and wife. All attempts of reconciliation between the petitioners by their relatives, friends and well-wishers failed. Since 15.05.2020 the petitioners started residing separately and since then the petitioner No. 1 is residing at her paternal house, which is within the jurisdiction of this court. The petitioners have agreed together to get their marriage dissolved by a decree of divorce on mutual consent. There is no force, coercion or undue influence in obtaining the consent of the petitioners. There is no collusion between the petitioners in obtaining the decree. Hence, this suit.

From the evidence of PW-1 and PW-2 and exhibit, it is proved that the marriage between the petitioners was registered on 16.06.2003 as per Special Marriage Act. It is further proved from evidence of PW-1 and PW-2 that after the marriage they resided as husband and wife and marriage between the petitioners was consummated. There is one minor son out of wedlock of the parties to the suit. It has been amicably

settled between the parties to the suit that the said son shall reside under the care and custody of petitioner No. 1, his mother. Since the very inception the petitioners could not adjust with each other due to difference in their tastes, habits, temperament and choice and relationship between the petitioners came to such a stage that it was not possible for them to live as husband and wife. It is further proved that the petitioners are residing separately since 15.05.2020. More than six months and less than eighteen months have elapsed from the date of filing of this suit. No collusion appears to have taken place between the petitioners for obtaining decree as prayed for. There is no undue delay in filing the instant petition. It appears that the parties have agreed to get their marriage dissolved by a decree of divorce on mutual consent and their consent does not appear to be influenced by undue influence, force, coercion, threat or promise. There is no other impediment as to why decree as prayed for should not be granted.

C.F. paid is correct.

Hence, it is

Ordered,

that the instant suit be and the same is decreed on mutual consent without cost. The petitioners do get a decree of divorce by dissolution of marriage registered between them on 16.06.2003 under Special Marriage Act. The marital tie between the parties to the suit shall stand dissolved with effect from this day.

The marriage certificate, bearing No. 1425/2003 dated 16.06.2003, issued by Marriage Officer, Kalpana Ghosal, of 603, Jodhpur Park, Kolkata-700068, stands canceled.

Dictated & corrected by me.

Sd/- (Sri M. K. Rai)
A.D.J.

Sd/- (Sri M. K. Rai)
Additional District Judge,
1st Court, Serampore