

IN THE COURT OF ADDITIONAL DISTRICT JUDGE, MAL, JALPAUGURI

Mat Suit No. 732 OF 2025
CNR WBJP090000812026

Present: Sri. Sanjoy Ranjan Paul, (WB 00746)
ADJ, Malbazar, Jalpaiguri

Petitioner..... Sourav Dey Sarkar

Vs.

Respondent..... Ekta Chakraborty

Order No.8 dated: 15.07.2026

The petitioner and his Ld. Advocate is present.

Today is fixed for delivery of judgement.

Record is now taken for delivery of Judgement.

The instant suit has been filed by the petitioner/husband praying for dissolution of marriage by a decree of divorce under Section 27 of the Special Marriage Act, 1954 on the ground of cruelty and desertion. No specific provision has been mentioned by the Ld. Advocate of the petitioner and thus, this application is treated as u/s.27 (1)(a) & (b) of the Special Marriage Act, 1954.

The suit was filed on 24.12.2025 before the Id. District Judge, Jalpaiguri. On 18.03.2026, the record was transferred to this court for disposal. The case records was received by this court on 17.04.2026. Summon was issued upon the respondent/wife. But respondent did not appear to contest the suit nor file any written statement. Thus, the suit was placed for Ex-parte hearing by order dated 12.05.2026.

The petitioner's case in brief, is that the marriage between the petitioner and the respondent was solemnized on 22.01.2017 by way of registry marriage under the Special Marriage Act. The social marriage was solemnized on 28.11.2017 at the father's house of the respondent at North Colony, Ward No. 10, P.S- Mal, Jalpaiguri. Out of the wedlock, two male children were born. After marriage, the petitioner and respondent started to live at the house of the petitioner at South Colony, Ward No.9, at Malbazar, under Mal PS as husband and wife. The marriage was consummated. The petitioner stated that after some days of marriage respondent used to start cruel behave and created disturbances to the petitioner without any unlawful excuse.

Petitioner also stated that respondent used to torture upon him and the torture was increasing day by day. Out of true love, the petitioner with broad mind, accepted the respondent and forgave all her mistakes but the respondent intended to break the marital tie and left her matrimonial home on 15.12.2022 with out informing the petitioner.

That on 15.12.2022, the respondent left the matrimonial home to her father's house. Petitioner tried to reunite the relationship but in vain.

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According to petitioner, there is no chance of reunion between the parties and petitioner has prayed for a decree of dissolution of marriage u/s. 27 of the Special Marriage Act on the ground of cruelty and desertion.

In order to prove his case, the petitioner has examined himself as PW-1 and one Debyandu Dey as PW2.

The petitioner proved the following documents and those have been marked as exhibits..... Photo copy of marriage certificate.....Ext-1

photo copy of aadhar card.....Ext-2

2 color photographs of marriage.....Ext-3 series

photo copy of aadhar card of PW2.....Ext-4.

Perused the evidence of the PW-1, PW-2 and exhibited documents and there is nothing to disbelieve the unchallenged testimony of the petitioner and his witness. Evidence shows that the petitioner tried his level best to continue the marital tie, but in vain. It appears that there is no emotion between the parties and the marital tie has been ended.

Accordingly, I hold that the petitioner is entitled for decree of divorce on the ground of cruelty and desertion.

Hence, it is

ORDERED

That the **Mat Suit. 732 of 2025** be and the same is decreed ex-parte without any cost.

Accordingly, the marriage tie between the petitioner/husband Sourav Dey Sarkar and the respondent/wife Ekta Chakraborty solemnized on 22.01.2017 is hereby dissolved u/s.27 (1) (a) & (b) of the Special Marriage Act, 1954 from this day.

The certificate of marriage (**No. 1005 [04/2017] Dated 22.01.2017**) u/s.13 of the Special Marriage Act, 1954 stands cancelled.

The petitioner is hereby directed to produce the certificate of marriage issued u/s.13 of the Special Marriage Act, 1954 dated 22.12.2017 before the Marriage Officer- Rajarshi Biswas, PS- Mal, Jalpaiguri for his/her perusal and to note in the relevant Register.

Note in the relevant Register.

Prepared by me

Addl. District Judge
MAL, JALPAIGURI

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MAL, JALPAIGURI