

IN THE COURT OF ADDITIONAL DISTRICT JUDGE, MAL, JALPAUGURI

Mat Suit No. 232 OF 2025
CNR WBJP090001662025

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

Petitioner..... Ashim Kumar Mondal
Vs.
Respondent..... Mamoni Rajbonshi Mondal

Order No. 9 dated: 30.06.2026

Today is fixed for exparte argument and judgement.

Petitioner files hazira and physically present in Court with ld. advocate- Sourav Roy. Record is now taken up for argument.

Heard argument on the part of the ld. advocate of the petitioner.

Fix today at 4.30 PM for delivery of Judgement.

Prepared by me

Addl. District Judge
Mal, Jalpaiguri.

Addl. District Judge
Mal, Jalpaiguri.

Later.....

Order No.10 dated: 30.06.2026

It is now 4.30 PM. The petitioner and his Ld. Advocate is present.

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 13 of the Hindu Marriage Act, 1955 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.13 (1)(a) & (b) of the Hindu Marriage Act, 1955.

The suit was filed on 29.04.2025 before the ld. District Judge, Jalpaiguri. On 18.06.2025, the record was transferred to this court for disposal. The case record was received by this court on 02.12.2025. Summon was issued upon the respondent/wife. But respondent did not appear to contest the suit nor file any written statement so the suit was placed for Ex-parte hearing by order dated 03.06.2026.

The petitioner's case in brief, is that the marriage between the petitioner and the respondent was solemnized on 03.02.2012 according to Hindu Rites and Customs at the father's house of the respondent. 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 Khayranti, Uttar Saripakuri, under Mal PS as husband and wife. The petitioner stated that after some days of marriage respondent used to cruel behave and created disturbances to the petitioner without any unlawful excuse.

Petitioner also stated that respondent used to involve in social media during most of the times of day and traveled outside without the consent of the petitioner. The

Contd....

Contd/Order No.10 dated: 30.06.2026.

respondent used to involve talking with her boyfriend and declared to the petitioner not to interest to live with the petitioner. Out of true love, the petitioner with broad mind, accepted the respondent and forgave all her mistakes but the respondent intend to break the marital tie.

That on 22.03.2024, the respondent left the matrimonial home along with her younger son namely- Arya Mondal to her father's house. Petitioner tried to reunite the relationship but in vain.

There is no chance of reunion between the parties and petitioner has prayed for a decree of dissolution of marriage u/s.13 of the Hindu Marriage Act on the ground of cruelty and desertion.

In order to prove his case, the petitioner has examined himself as PW-1 and the documents i.e xerox Aadhar card, birth certificates of sons, and joint photograph of parties, photograph of respondent and her boyfriend, which are marked as Ext.1 & Ext.2 series, Ext-3 series. His father also deposed as supporting witness as PW-2 and the document i.e xerox copy Aadhar card is marked as 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. Photograph shows that the respondent involved in relationship with her boyfriend. 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 the petitioner is entitled for decree of divorce on the ground of cruelty and desertion.

Hence, it is

ORDERED

That the **Mat Suit. 232 of 2025** be and the same is decreed ex-parte without any cost.

Accordingly, the marriage tie between the petitioner/husband Ashim Kumar Mondal and the respondent/wife Mamoni Rajbonshi Mondal solemnised on 03.02.2012 is hereby dissolved u/s.13 (1) (a) & (b) of the Hindu Marriage Act, 1955 from this day.

Note in the relevant Register.

Prepared by me

Addl. District Judge
Mal, Jalpaiguri.

Addl. District Judge
Mal, Jalpaiguri.

In the Court of Additional District Judge, Tehatta Nadia.

MAT – 30/2020

Present : Shri Somnath Bhattacharyya

Deposition of the witness No **P.W. - 1 Mousumi Sihi.**

for the Petitioner taken on oath/solemn affirmation on **01.02.2023.**

My name is, **Mousumi Sihi.**

Husband's name Amiyo Mondal. D/O- Lt. Binay Sihi.

My age is **37** years. I reside at village- Sukanta Polly, PO-Karimpur, P.S.- Karimpur, District- Nadia, My occupation – Household Work.

Examination in Chief :

I have filed my examination in chief on this day under Order 18, Rule 4 of C.P.C. this day. The same was prepared by my Ld. Advocate – Raktim Chatterjee as per my instruction and dictation. After completion of written work, my examination-in-chief contents of the same was read over and explained to me by my Ld. Advocate in 'Bengali'. Being satisfied about the said contents, I put my signature (identified). This is the said examination-in-chief supported by an affidavit.

I have filed some documents in support of my case.

I have filed my original along with xerox copy of Aadhar Card. (The xerox copy of the Aadhar Card is **Marked as Ext. No.1** on comparison with the original.).

I have also filed joint photograph of marriage. (The joint photograph of marriage is **Marked as Ext. No.2**).

I have prayed for divorce.

Dictated and corrected
by me.

Additional District Judge,
Tehatta, Nadia.

Additional District Judge,
Tehatta, Nadia.

In the Court of Additional District Judge, Tehatta Nadia.

MAT – 30/2020

Present : Shri Somnath Bhattacharyya

Deposition of the witness No **P.W. - 2 Biplab Sihi.**

for the Petitioner taken on oath/solemn affirmation on 01.02.2023.

My name is, **Biplab Sihi**

Father's name **Lt. Binay Sihi.**

My age is **33** years. I reside at village- Sukanta Polly, PO-Karimpur, P.S.- Karimpur, District- Nadia, My occupation – Business.

Examination in Chief :

Mousumi Biswas is my sister. I have filed my examination in chief on this day under Order 18, Rule 4 of C.P.C. this day. The same was prepared by my Ld. Advocate – Raktim Banerjee as per my instruction and dictation. After completion of written work, my examination-in-chief contents of the same was read over and explained to me by my Ld. Advocate in the 'Bengali' languages. Being satisfied about the said contents, I put my signature.

I have filed some documents in support of my case.

I have filed my original along with xerox copy of Aadhar Card. (The xerox copy of the Aadhar Card is **Marked as Ext.2** on comparison with the original.).

I am praying for divorce of my sister for the OP.

Dictated and corrected
by me.

Additional District Judge,
Tehatta, Nadia.

Additional District Judge,
Tehatta, Nadia.