

IN THE COURT OF THE DISTRICT JUDGE, PURBA BARDHAMAN

Present: Sri Sujay Sengupta (WB00650),
District Judge, Purba Bardhaman

Matrimonial Suit No.699 of 2023

(CNR NO.WBBD-01-003776-2023)

Prodip Kesh & Arjina Kesh Petitioners.

Order No.2, dated 10.04.2024.

Today is fixed for hearing. Parties file Affidavit-in-chief. They also deposed as pw1 and pw2. Birth certificate (Xerox) of Ayush Kesh, son of the petitioners has been marked by **ext.1**. Evidence is closed as per the submission of the Ld. Advocates. Heard the Ld. Advocates. The case is taken up for order.

Instant Mat Suit arose out of a joint petition dated **14.08.2023** U/Section 13B of the Hindu Marriage Act filed by **Prodip Kesh, petitioner no-1 (husband) and Arjina Kesh, petitioner no-2 (wife)** who were married on **05.07.2010** within the jurisdiction of this court, according to Hindu religious rites and customs.

However from the very beginning both the petitioners detected some changes in the behaviour of the other. Due to differences in taste, culture, mentality, and choices the petitioners used to get involved in unwarranted altercations on flimsy issues. As a consequential effect the mental adjustments and balance between the parties were threatened. The petitioners tried to their level best to settled all their differences for ensuring a peaceful marital life but no fruitful results yielded. Their mental non-adjustment rose to such extent that their life became miserable. It is alleged further that the natural love and affection between the parties were lost and ultimately they amicably decided and settled to live separately since **06.04.2018**.

Despite all sincere efforts by themselves and their well-wishers, the petitioners failed to resume their conjugal life and they are living separately till date. The parties thereafter decided that the relationship should not be continued.

The petitioner no-1 and petitioner no-2 examined themselves as Pw-1 and Pw-2 respectively and they have mutually corroborated the

story of the petition. Keeping in view of the submissions of learned advocates of both sides, I have carefully considered the evidence the lead by the parties and the pleading.

As it seems there is no point in continuing the conjugal life of the petitioners as the natural love and affection as normally found between married couples, has been lost in the instant case. They are residing separately for a long time without resumption of cohabitation.

In the said wedlock, a male issue namely Ayush Kesh has been born to the petitioners on 22.10.2013 and he will remain under the custody of petitioner no.2 (wife).

It seems further that there is no collusion between the parties, and both the parties voluntarily filed the petition without coercion, fraud, or misrepresentation. No other matrimonial case between the parties is pending in any court. I do not find that there is any other legal hindrance in granting the decree of the divorce on mutual consent as prayed for by the petitioners. Accordingly, I find that the petitioners are entitled to a decree of divorce by mutual consent.

Hence, it is,

O R D E R E D

that the suit be and the same is hereby decreed on consent of both parties. The marriage between **Prodip Kesh, petitioner no-1 (husband) and Arjina Kesh, petitioner no-2 (wife)** which was solemnized on **05.07.2010** according to Hindu religious rites and customs, is hereby dissolved by a decree of divorce on mutual consent u/s 13 B of the Hindu Marriage Act w.e.f from this date of order.

Dictated & corrected by me

Sd/-
District Judge,
Purba Bardhaman

Sd/-
District Judge,
Purba Bardhaman