

Mat Suit No. 250/22

R-252/22

Present : Sri Madan Mohan Mishra

JO no. WB00727

Order No. 4 dated 09.08.23

Both the petitioners are present along with their appointed learned advocates on this day fixed for hearing of the application u/s 13B of the Hindu Marriage Act filed by them on 16.08.22.

The endeavor made by this court for reconciliation between the parties failed.

The two affidavits pretending to be examination-in-chief of the petitioner No. 1/husband Sri Ganesh Bera and petitioner No. 2/wife Atasi Samanta Bera furnished this day are tendered in evidence and they are further examined on dock as PW-1 and PW-2 and discharged.

Now, the case record is taken up for passing order.

This is an application u/s 13B of the Hindu Marriage Act filed by petitioners praying for passing the decree of divorce on mutual consent. The case of petitioners is that marriage in between them have been solemnized on 03.03.11 as per Hindu rites and customs. After the marriage they lived together at the house of husband at Village-Nischintapur under PS-Daspur, Dist-Paschim Medinipur as husband and wife within jurisdiction of this court till 20.05.21. Out of the wedlock one female child Anindita Bera at present aged about 8 years and one male child Gopinath Bera at present aged about 2 years were born. On 20.05.21 petitioner No. 2/wife left her matrimonial house along with her children and since then she has been living separately at her father's house. In spite of all efforts they failed to reconcile their relation.

From the averments made in the application, the testimonies of petitioners on dock and the documents submitted by them it is found that the marriage in between them have been solemnized on 03.03.11 as per Hindu rites and customs. After the marriage they lived together at the house of husband at Village-Nischintapur under PS-Daspur, Dist-Paschim Medinipur as husband and wife within jurisdiction of

this court till 20.05.21. Out of the wedlock one female child Anindita Bera at present aged about 8 years and one male child Gopinath Bera at present aged about 2 years were born. On 20.05.21 petitioner No. 2/wife left her matrimonial house along with her children and since then she has been living separately at her father's house. In spite of all efforts they failed to reconcile their relation. The application u/s 13B of the Hindu Marriage Act has been filed on 16.08.22.

Upon consideration I find no impediment in allowing the petition.

Hence, it is ordered

That the application u/s 13B of the Hindu Marriage Act be and the same is allowed.

The marriage solemnized in between the parties on 03.03.21 according to Hindu rites and customs is hereby dissolved by a decree of divorce with immediate effect.

Dictated and Corrected by me

Additional District Judge
Ghatal, Paschim Medinipur

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Ghatal, Paschim Medinipur