

Mat Suit 211 of 2021

Order no. 21
16.07.2026

This day was fixed for ex parte hearing of the matter. The op-husband, despite receiving notice of the case (see Order no. 13 made on 4 June 2025), had not turned up to contest.

The petitioner-wife has filed her examination-in-chief on affidavit. The same is duly tendered. Epic and copy of Aadhar are marked Exts. 1 and 2.

The Ld. Advocate for the wife is heard in support of the application for divorce. Put up at 3.30 OM today for order.

ADJ (WB00809)

Order no. 22

Later: at 3.30 PM

This is an application under Sec. 13 of the Hindu Marriage Act, 1955.

In terms of the application, the petitioner was married to the op-husband on 10 March 2009 at a temple in Hoogly. The newly-weds lived as husband and wife and a son was born to the couple. As the narrative goes, with the passage of time the husband started to inflict physical and mental torture upon the petitioner-wife. The intensity of torture would increase with every passing day, and ultimately, on 5 April 2019 the husband assaulted the wife and booted her out of the matrimonial house. The petitioner and her son are living separately from the op-husband since April, 2019 and there are zero chances of any rapprochement between the parties. Alleging the ground of cruelty, the wife has asked for divorce.

The petitioner's testimony on affidavit is in tune with her pleadings.

The Aadhar suggests the existence of the matrimonial relationship which the petitioner now wants to sever.

The unchallenged testimony of the petitioner does not fail to make out a case of cruelty. Nuptial cohabitation has been rendered impossible due to the husband's conduct of booting out the wife from the matrimonial house.

Once the ground of cruelty is made out, I see no reason to refuse the relief of divorce prayed for by the wife.

The application thus succeeds.

Court fee paid is correct.

Hence,

Ordered

That the application for divorce registered as Mat. 211 of 2021 is allowed ex parte but without any order as to costs.

The petitioner Rakhi Manna does get a decree of divorce against the opposite party Ujjwal Manna under Sec. 13 (1) (ia) of the Hindu Marriage Act, 1955.

The marriage between Rakhi Manna and Ujjwal Manna which was solemnized on 10 March 2009 is hereby dissolved by decree of divorce.

Let a decree be drawn up accordingly.

ADJ (WB00809)