

Mat Suit No. 179 of 2025

Order No.12, dated 03.07.2026

Parties take no steps.

The record is put up for passing order.

Petitioner Umme Moulida Pervin filed an application under section 25 of the Special Marriage Act for a decree of nullity of marriage solemnized between her and the respondent on 05.10.2024 under the Special Marriage Act.

Petitioner sought for annulment of the marriage on the ground that after she is taken to her matrimonial house after marriage on 05.10.2024, she found that the respondent was unwilling to consummate the marriage by establishing physical relationship. She tried to co-habit with the respondent but he did not agree stating that the marriage was against his will. On such refusal of the respondent to co-habit, she went to her father's house on 20.10.2024.

The respondent appeared and in the name of written objection, he filed a petition stating that the marriage was not consummated as the parties are staying at different places. The respondent expressed his no objection to the petitioner's prayer for annulment of the marriage.

The petitioner examined herself as PW1. Xerox copy of aadhaar card of the petitioner was marked as Exhibit-1 after comparing with the original and the marriage certificate was marked as Exhibit-2.

The respondent also examined himself in court. Xerox copy of aadhaar card of the respondent was marked as Exhibit-A after comparing with the original.

Looking at the pleadings and evidence of the parties, it is found that the respondent though supported the petitioner's prayer for annulment of marriage but reason of non-consummation of the marriage stated by the parties are divergent. According to the respondent, the marriage could not be consummated as the parties lived at different places but evidence and pleadings of the petitioner show that she stayed at her matrimonial house for 15 days but her marriage could not be consummated due to unwillingness to co-habit on the part of the respondent. No other evidence has been adduced by the parties. The conduct and version of the parties indicate at the collusion between the parties. It appears that the petition for annulment of marriage has been presented by the petitioner in collusion with the respondent.

It is only the willful refusal on the part of the respondent to consummate the marriage which furnishes ground for annulment of marriage under section 25(1) of the Special Marriage Act. Non-consummation of marriage due to living of the parties at different places is not a legal ground to annul the marriage.

The conduct of the parties so that they are in collusion to come out of the lawful marriage in a short-cut way by passing the procedure established by law.

In the circumstances, the court is not satisfied that there exist ground for annulment of marriage and there is no collusion between the parties in view of section 34 of the Special Marriage Act.

Hence, it is

Ordered

that the Mat Suit being No. 179 of 2025 under section 25 of Special Marriage Act is dismissed without any cost.

Dictated & corrected by me

Addl. Dist. Judge, 3rd Court

Additional District Judge, 3rd Court,
Berhampore, Murshidabad
(J.O. Code : WB00706)