

IN THE COURT OF THE DISTRICT JUDGE OF MURSHIDABAD.

Present: Karim-Ur-Reza, (J.O. Code WB00812)
District Judge, Murshidabad (In-charge).

Mat Suit No. 473 of 2025

CRN: WBMD01-009449-2025

(Under Sec. 28 of Special Marriage Act, 1954).

Petitioners: Mithun Mondal & Avinanda Das

Order No. 02, dtd- 13.03.2026.

Today is fixed for reconciliation i.e. hearing.

Both the parties along with their Ld. Counsels are physically present before this Court.

In spite of efforts were taken, the process of reconciliation has failed.

The Affidavit-in-Chiefs filed on behalf of the petitioners, were tendered and confirmed by the witnesses before me this day and the same are treated as evidences of P.W 1 and P.W 2 respectively and are discharged. Self-attested copy of Aadhaar Card, bearing no. 9100-5457-0304, of petitioner no. 1 has been marked as **Exbt. 1**, the marriage certificate dated 09.05.2020, has been marked as **Exbt. 2** and self-attested copy of Aadhaar Card, bearing no. 6343-2221-8301, of petitioner no. 2 has been marked as **Exbt. 3**.

Now the record is taken up for hearing.

This is an application u/Section 28 of the Special Marriage Act, 1954, filed on **12.09.2025**, by the parties, to the marriage, with a prayer for divorce on mutual consent.

Heard both the Ld. Counsels appearing for the respective parties.

The facts leading to the filing of this application u/s 28 of the Special Marriage Act, 1954 are stated below:-

The marriage between the petitioners, **Mithun Mondal & Avinanda Das, registered on 09.05.2020** according to the Special Marriage Act, 1954 within the jurisdiction of this Court. Their marriage was consummated and out of their wedlock no child was born. Thereafter, due to maladjustment, they have voluntarily decided to live apart since **17.08.2024** and they are still living apart.

Ultimately, after lapse of long period of time, the parties, out of their own, decided to have divorce on mutual consent when they found that the chance of reconciliation in future was not there.

Both the petitioners have filed examination in chief on affidavit and deposed in this case in my presence in support of their petition and testimonies in the form of examination in chief and they have voluntarily claimed dissolution of their marriage by mutual consent without being induced, intimidated or coerced by anything or without being subjected to duress from any corner.

At the time of hearing this court also made an endeavour for their reconciliation by adopting some persuasive method but the court having found that reconciliation was not at all possible, decided to dispose of their application on merit.

That being the position, the application requires to be allowed because the marriage is admitted and the evidence on record unambiguously speaks that the marriage tie has been broken down irretrievably.

Accordingly, since the instant petition has been filed in proper forum and in proper time and since there is no possibility of reunion of the marital tie of the parties of this matrimonial suit, so, I find no other alternative but to pass necessary order on this score as prayed for by the petitioners both.

Hence, it is

O R D E R E D

that the application under section 28 of the Special Marriage Act is **allowed**.

The marital tie standing between the petitioners, **Mithun Mondal & Avinanda Das, registered on 09.05.2020**, is hereby dissolved by a decree of divorce U/Sec. 28 of the Special Marriage Act, 1954 to be effective on and from this date of this order.

The Marriage Certificate dtd. **09.05.2020** is hereby cancelled.

Let copies of this order be supplied to the parties concerned free of cost as per rules.

D/C by me

District Judge, Murshidabad (I/C)
13.03.2026

District Judge, Murshidabad (I/C)
13.03.2026