

MAT Suit No. 51 of 2025
Reg. No. 51 of 2025 (WBML01004292025)
Present : Monodeep Dasgupta,(JO Code-WB00967)
ADJ 3rd Court,Malda.



Abhijit Saha

.....**Petitioner.**

Vs

Rupa Poddar

.....**Respondent.**

Order No. 09 dated 03.06.2026

Today is fixed for passing exparte order.

Petitioner Abhijit Saha files attendance through Ld Counsel.

The record is taken up for the above purpose.

This is an application under Section 9 of Hindu Marriage Act, 1955 filed by the petitioner Abhijit Saha praying for a decree of restitution of conjugal rights against the respondent Rupa Poddar.

Considered the submissions of the Ld. Counsel for the petitioner.

Perused the evidence of petitioner Abhijit Saha as PW1 and other materials on record.

It is contended that the marriage between the petitioner and the respondent was solemnized on 13.12.2013 according to Hindu Rites and Customs from the paternal house of the respondent that situates at Vill-Mahesh Narayanganj, PO+PS – Bhagwangola, District-Murshidabad. After the said marriage, the respondent, came to the house of the petitioner situated at Enayetpur, PS – Manikchak, District- Malda, and the marriage was duly consummated. It is further stated by the petitioner that in the said wedlock their son Arnab Saha was born. It is contended that after ten years of their marriage, difference of opinion and conjugal feud started in between the parties. The petitioner further contended that on 23.07.2023 in his absence, the respondent left her matrimonial house voluntarily at her own will and accord, and went away to her paternal house along with her minor son without his knowledge and consent. The petitioner further has stated that the he tried several times to bring back the respondent to her matrimonial house but she refused to return. It is further contended that due to such acts of the respondent, the petitioner started suffering from mental pain and agony. It is further stated that on 01.08.2024 the petitioner sent the legal notice through his Ld Counsel, requesting her to come back to resume her conjugal life but she did not comply the legal notice. It is further contended that inspite of the willingness of the petitioner to reside with the respondent as spouses, the respondent did not return to her matrimonial house and voluntarily withdrew herself from his society without any reasonable excuse. Hence, finding no other alternative, the petitioner filed this suit against the respondent for a decree restitution of conjugal rights.

Summons in respect of this instant suit was duly served upon the respondent. The respondent, inspite of receipt of summons of this instant suit, did not appear to contest the claim of the petitioner for which the instant suit was slated for exparte hearing.

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The petitioner examined himself as PW1. He proved the marriage invitation card which was marked as Ext P/1. PW1 also proved the legal notice dated 01.08.2024 which was issued by his Ld Counsel and the track report of the receipt of the legal notice by the respondent on 05.8.2024 which were marked as Ext P/2 and Ext P/3 respectively. On perusal of the evidence of PW1, it is found that he echoed all the facts in affidavit in chief which has been reflected in his application for restitution of conjugal rights. From the evidence of PW1 it appears that the petitioner is the husband of respondent and the respondent willfully withdrew herself from his society without any reasonable excuse. The evidence of petitioner remains un-controverted as there is no contrary evidence on record. Considering all aspects, this Court finds that the petitioner has been able to prove his case and accordingly he is entitled to get decree for restitution of conjugal rights against the respondent.

In the result, the application U/s 9 of Hindu Marriage Act filed by filed by the Abhijit Saha succeeds.

C.F. Paid, is correct.

Hence it is,

:ORDERED:

That the application under section 9 of the Hindu Marriage Act, 1955 being MAT Suit No. 51 of 2025 (CIS 51 of 2025) praying for a decree of restitution of conjugal rights, filed by the petitioner/husband Abhijit Saha is allowed exparte, against the respondent Rupa Poddar, but without any order as to costs.

The petitioner/husband Abhijit Saha do get a decree of restitution of conjugal rights. The respondent/wife Rupa Poddar is directed to go back to the petitioner/husband Abhijit Saha at her matrimonial home within 3 months from the date of this order in default the petitioner/husband Abhijit Saha shall have liberty to put the decree into execution in accordance with law.

Let a copy of this order be given free of costs to the petitioner Abhijit Saha.

Decree be drawn up accordingly.

Dictated & Corrected by me:

**Addl. Dist Judge, 3rd Court,
Malda.**

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Malda.**