

MAT Suit No. 207 of 2024
Reg. No. 207/2024 (WBML010020792024)
Present : Monodeep Dasgupta,(JO Code-WB00967)
ADJ 3rd Court,Malda.



Tarit Bhuimali

.....**Petitioner.**

Vs

Jhumpa Bhuimali

.....**Respondent.**

Order No. 12 dated 27.04.2026

Today is fixed for passing order.

Petitioner files attendance through Ld Counsel.

The record is taken up for the above purpose.

This is an application under Section 9 of H.M. Act, 1955 filed by the petitioner Tarit Bhuimali praying for a decree of restitution of conjugal rights against the respondent Jhumpa Bhuimali.

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

Perused the evidence of petitioner Tarit Bhuimali as PW1 and materials on record.

It is contended that the marriage between the petitioner and the respondent was solemnized on 21.03.2014 according to Hindu Rites and Customs from the paternal house of the respondent that situates at village-Taherkhani, PS Gazole , District- Malda. After the said marriage, the respondent, came to the house of the petitioner situated at Taherkhani, PS Gazole , District- Malda, and the marriage was duly consummated. It is further stated by the petitioner that in the said wedlock their son Aiyush Bhuimali was born. It is contended that since few days from the marriage, the respondent started forcing the petitioner to reside in a separate mess apart from his parents. The petitioner further contended that as he refused to adhere to such desire of the respondent, she started ill behaving with him and his parents and started picking of quarrels with him frequently. The petitioner has further stated that he tolerated all such baleful attitude of the respondent and continued to reside together with her but after the birth of their son, the respondent started inflicting him to immense mental cruelty. The petitioner has further contended thereafter the respondent left her matrimonial house and went to her paternal house along with her minor son while he was working at Kerala. The petitioner further has stated that he informed the matter to Gazole PS and sought for their intervention but the respondent did not agree to return to her matrimonial house. The petitioner further contended that he tried to several times to bring the respondent to back to her matrimonial house but she refused to return and threatened him and his parents with dire consequences. Finally on 21.09.203 the petitioner along with his father, friends and relative went to the paternal house of the respondent and requested her to come back to her matrimonial house but the respondent and her parents denied. The petitioner further stated that the respondent, without any reasonable excuse, withdrew herself from his society with an intention to severe the marital relationship and went to her paternal house. It is further contended that due to such acts of the respondent, the petitioner started suffering from mental

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pain and agony. Hence, finding no other alternative, the petitioner filed this suit against the respondent for a decree restitution of conjugal rights.

Summons were issued upon the respondent in respect of institution of this instant suit. 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.

The petitioner examined himself as PW1. 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 petition 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 Tarit Bhumali 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. 207 of 2024(CIS 207 of 2024) praying for a decree of restitution of conjugal rights, filed by the petitioner/husband Tarit Bhumali is allowed exparte, against the respondent Jhumpa Bhumali, but without any order as to costs.

The petitioner/husband Tarit Bhumali do get a decree of restitution of conjugal rights. The respondent/wife Jhumpa Bhumali is directed to go back to the petitioner/husband Tarit Bhumali at her matrimonial home within 3 months from the date of this order in default the petitioner/husband Tarit Bhumali 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 Tarit Bhumali.

Decree be drawn up accordingly.

Dictated & Corrected by me:

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

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