

IN THE COURT OF LD. ADDITIONAL DISTRICT JUDGE
FOURTH COURT, MALDA.

Mat. Suit No. 329 of 2024

Under Section 9 of Hindu Marriage Act.

-:- Present -:-

Paresh Chandra KARMAKAR
Additional District Judge,
4th Court, Malda.
J. O. Code No. WB-00651

Date of the Judgment: 15.07.2026

Arun Mandal

.....**Petitioner**
Vs

Beuty Mandal

.....**Respondent**

Order No.12
15.07.2026

Today is fixed for evidence.

Petitioner/husband **Shri Arun Mandal** was examined as PW 1 on 02.06.2026 and his father **Shri Sudhir Mandal** is examined today as PW 2. They filed their respective examination in chief supported by affidavits in terms of Or.18, Rule 4 of the C.P. Code. The self attested photocopy of Aadhaar card of PW1 has been marked as **Ext-1** and self attested photocopy of Aadhaar card of PW2 has been marked as **Ext.2**.

Now the record is taken up for passing order.

This is a matrimonial Suit u/sec 9 of Hindu Marriage Act,1955.

The petitioner's case, in brief, is that the respondent **Beuty Mandal** is his wife and their marriage was solemnized on **03.05.2021** as per Hindu Rites and Rituals after negotiation and they resided together as husband and wife and in the said wedlock one child namely Sabuj Mandal was born who is now aged about 18 months. The respondent/wife and their minor son have been living separately from the petitioner/husband with effect from **02.01.2023** and since then the petitioner has been residing alone.

The petitioner/husband tried his level best till 07.05.2024 to bring back the Respondent/wife from her paternal house but to no good.

In support of his case, the petitioner/husband has examined himself as P.W.1 and petitioner's father, namely, **Shri Sudhir Mandal** has been examined as P.W.2 in addition to filing evidence in chief supported by affidavit. The Respondent through turn up by filing V. Nama but chose not to contest the case and ultimately the case proceeded Exparte against her on and from 24.09.2025. On perusal of the evidence and material on record it appears that the respondent/wife has been living separately from the petitioner/husband with effect from 02.01.2023. I am of the opinion that the respondent/wife has withdrawn from the society of the petitioner/husband with out reasonable excuse and there is no legal ground as to why the application should not be granted. As such the petitioner/husband is entitled to get an ex-parte order against the respondent/wife for restitution of conjugal rights.

The Court Fee paid is correct.

Hence, it is,

O R D E R E D :

That the **Matrimonial Suit No. 329/2024** be and the same is decreed ex-parte but without cost.

The petitioner/husband, **Shri Arun Mandal**, do get an ex-parte decree of restitution of their conjugal rights against the respondent/wife, **Smt Beuty Mandal** as per provision of section 9 of Hindu Marriage Act, 1955 from the date of this order. Respondent/wife is directed to resume her conjugal life /relationship with the petitioner/husband within two months from this date, failing which law will take its own course.

B.C to note.

Note in the trial Register and update the C.I.S.

Dictated by me

A.D.J, 4th Court, .Malda

A.D.J, 4th Court, Malda.

