

Mat. Suit No. 97 of 2025

IN THE COURT OF THE DISTRICT JUDGE OF NADIA.

Present : Shri Debdeep Manna, Additional District & Sessions Judge, F.T.C-I, Krishnagar, Nadia and in-Charge of District Judge, Nadia.

Mat. Suit No. 97 of 2025

Petitioners : Riya Dey @ Riya Pal & Sujit Dey

[Under Sec. 28 of the Special Marriage Act, 1954]

Order No. 03 dated 06-03-2026

Today is fixed for hearing of the petition under Sec. 28 of the Special Marriage Act.

The petitioner no. 1 namely, Riya Dey @ Riya Pal is present by filing hazira.

The petitioner no. 2 namely, Sujit Dey is also present by filing hazira.

Ld. Advocate for the parties are present.

They are examined in full as P.W. 1 and P.W. 2 respectively and discharged. During their oral evidence signature of both the petitioners in their affidavit-in-chief have been marked as **Ext. 1 & Ext. 5**. One certificate of marriage is marked as **Ext. 4**. Photo copy of Voter identity card and Aadhaar Card of petitioner no. 1 are marked as **Ext. 2 & Ext. 3** and photo copy of Voter identity card and Aadhaar Card of petitioner no. 2 are marked as **Ext. 6 & Ext. 7**.

All the original documents have been verified and returned to the respective parties except certificate of marriage.

Heard.

Perused the application filed under Section 28 of the Special Marriage Act along with the examination-in-chief of the parties and other materials on record.

Considered.

The application under section 28 of the Special Marriage Act was filed on **20-03-2025**. It is stated by the parties that their marriage was solemnized according to Special Marriage Act on **15-12-2014** and since after the marriage, they lived together as husband and wife. The said marriage was duly consummated and out of the said wedlock one female child namely, Rishika Dey was born and now residing with her father i.e.

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petitioner no. 2. But, since **29-08-2023** they have been living separately due to lack of adjustment. Several efforts have been made but they are not able to live together as husband and wife. They have stated that there is no chance of resumption of their marital tie. They have prayed for a decree of divorce by mutual consent under sec. 28 of the Special Marriage Act. No force, fraud or any undue influence has been practised by the parties and there is no collusion between the parties in presenting the application for divorce by mutual consent.

I have considered the facts and circumstances of the case, together with the fact that the parties, husband and wife, both have been living separately for a period of more than **2** years and they have not been able to live together as husband and wife.

They have mutually agreed and settled upon to dissolve their marriage by mutual consent.

Being satisfied with the facts and situations of the case, I am inclined to allow their application for dissolving their marriage by mutual consent under sec. 28 of the Special Marriage Act.

C. F. paid is correct.

Hence, it is

ORDERED

that the instant Matrimonial Suit filed under sec. 28 of the Special Marriage Act be and the same is allowed on consent, but without any order as to cost.

It is to be declared that the marriage solemnized between the parties on **15-12-2014** according to Special Marriage Act is hereby dissolved by a decree of divorce by mutual consent under sec. 28 of the Special Marriage Act, 1954 from date of this order.

The decree be drawn accordingly.

Let a copy of this order be supplied to the parties free of cost.

Thus, the instant suit stands disposed of.

Dictated & corrected by me.

Sd/- Debdeep Manna
District Judge, Nadia.
In-Charge
06-03-2026

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District Judge, Nadia.
in-Charge
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