

Order No. 03

Dated 03.07.2026

Today is fixed for reconciliation, i.d. hearing. Both the parties are present with their respective Ld. Advocates. They have filed examination in chief by way of affidavit supported by documents.

The instant petition u/s 28 of the Special Marriage act was filed on 24.11.2025 and the said petition is taken up for hearing this day.

Both the parties are called upon by this court for reconciliation but they are not at all ready to reunite. So, the process of reconciliation fails.

The petitioners Sri Taraprasad Chakraborty & Smt Urmila Halder entered into a marital tie as per the Special Marriage Act on 04.02.2022 u/s 13 of Act XLIII of 1954 (*the original copy of the Marriage Registration Certificate dt.04.02.2022 was filed and was marked as Exbt-3*) at Swarupganj, P.S. Nabadwip, Nadia, within the jurisdiction of this court. Marriage between the parties was duly consummated and during the said wedlock no child was born. In course continuation of the marriage tie difference of opinions cropped up between the parties and they failed to solve the same and darkness came down in their married life. The difference of opinion reached to such an extent that they started to reside separately on and from 18.03.2024. As they have noticed that there were no chance of reconciliation, they have decided to put an end in their relationship by mutual consent and as such they have applied for divorce by filing a petition u/sec.28 of Special Marriage Act for getting decree of divorce on mutual consent.

The said petition was filed on 24.11.2025 and it came up for hearing on this day.

The basic elements required for getting the decree, are as follows:-

- 1. That the parties have been living separately for a period of one year or more before presentation of the petition.*
- 2. That the parties have not been able to live together as husband and wife.*
- 3. That they have mutually agreed that the marriage should be dissolved.*

In order to substantiate their case both the petitioners have examined on oath as PW1 & PW2. During their evidence the self attested photocopies of their Aadhaar Cards and the original marriage registration certificate are marked as **Exbt.1, Exbt.2 & Exbt.3** respectively. They have supported their versions as has been mentioned in

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the petition. It is their version that they have been living separately for more than one year. It is also their version that there is no scope to live together as husband and wife and that they have mutually took conscious decision to put an end in their marital tie & obligations. It is also their versions that the petition was not a collusive one. Here in the instant case from the evidence of both the parties it appears that they started to live separately at separate places and they have no relationship between them as husband & wife. I did not find any material in their evidence to disbelieve their versions.

The record also reveals that during the waiting period of 6 months the petition was not withdrawn. The object of this time frame is to give an opportunity to the parties for reconciliation and if the petition be not withdrawn during this time span, it can easily be presumed that the parties were agreed to dissolve their marriage tie by mutual consent. Here in this case the same thing happened. From the evidence of the parties before this court I found that there is no scope to reunite the parties and as such I think it prudent to allow this petition of divorce by mutual consent.

Hence it is,

O R D E R E D

That instant **Mat Suit vide No.236/2025** be and the same is allowed on consent **u/sec.28 of the Special Marriage Act.**

The marriage between the parties namely, **Sri Taraprasad Chakraborty & Smt Urmila Halder held on 04.02.2022 u/s 13 of the Special Marriage Act, 1954** be and the same is dissolved from this day i.e from **3rd day of July, 2026.**

Dictated and Corrected by me

Sd/-
ADJ, Nabadwip, Nadia

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ADJ, Nabadwip, Nadia

Later :

The petitioners file a petition praying for return of the original documents i.e. both the Aadhaar Cards, which is considered and allowed. The original documents be returned by B.C to the petitioners after proper verification and identification and after filing a receipt thereof.

Dictated and Corrected by me
Sd/-

ADJ, Nabadwip, Nadia

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