

**In the Court of Additional District Judge,  
Fast Track 2nd Court, Bongaon, North 24 Parganas**

**Mat Suit No. 317 of 2025  
CNR : WBNP06 000903-2025  
Smt. Arpita Roy – Vs – Sri. Prosenjit Biswas**

Present : Sri Mrityunjay Karmakar, (WBJO 00917)

**Order No. 09, dated 06-04-2026**

Today is fixed for Exparte hearing of this Suit on the basis of the Petition, dated 06-05-2025, u/s. 27 of the Special Marriage Act, 1954 filed by the Petitioner.

The Petitioner's case in brief is that the Petitioner got married with the Respondent on 24-02-2021 as per Special Marriage Act, before the Marriage Registrar Muktahar Khatun Sarkar at her office at Tiorkhali, P.O – Jamtala P.S. - Krishnanagar, Nadia and the said marriage was solemnized at the parent's house of the petitioner on 24-02-2021 at Village – Ranirghat , P.O. - Nabadwip, P.S. Nabadwip, in the District of Nadia. After marriage the petitioner had accompanied with the respondent at respondent paternal house situated at Village – Kulanandapur, P.O. - Boyra, P.S. - Bagdah, District North 24 Parganas, and resided there as husband and wife and their marriage was duly consummated and out of their wedlock no child was born.

After filing of this suit, notice of this suit was sent to the Respondent at his residential house by PS. Received SR report from Bagdah, PS on 25-02-2026 and said summon was served to the respondent by the court and it appears from the report of the local PS that summon was served to the parents of the respondent. And SI Biplab Biswas of Bongaon

P.S. also submitted service report of summon to the respondent. So case was fixed for exparte hearing when the respondent didn't appear in court.

On the date of exparte hearing, the Petitioner has been examined in full as **P.W.-1** and was discharged. The **P.W.- 2** Smt. Pintu Mondal the causin brother of the petitioner also has been examined in full and discharged and the same remains unchallenged. Petitioner has filed self-attested xerox copy of Aadhar Card and Marriage Certificate dated 24-02-2026 ,which is mark as **Exbt 1**.

Upon perusal of the contents made out in the application by the applicant Smt. **Arpita Roy** and her corroborative evidence remain uncontroverted throughout the entire trial.

Abstention of the respondent / husband from appearing before the Court to deny the allegations and assertions made by the petitioner/wife and prompts this Court to infer that the respondent/husband has no objection if the petitioner has got the decree of divorce by the competent court and as such is attitude shows that he would not be prejudiced in any way if the petitioner would be entitled to get the decree of divorce.

Therefore, this court is inclined to pass an order in favour of the petitioner, as well as this Court passes an award of divorce in favour of the petitioner /wife Smt. **Arpita Roy**.

Thereafter, the petitioner / wife has been examined as **P.W.-1** and discharged. The P.W.-1 has stated in the evidence that their marriage has been solemnized on 24-02-2026 as per Special Marriage Act and they have started to live separately on and from 01-03-2021 since on the said date her husband driven her out of her in laws home subjected her to assault. Since then, she has been living at her mother's home with her minor son. Her husband used to assault her under the influence of drugs and he never take

care of her and her son. He also put fire at her father's home and therefore she lodged complaint at the police station against her husband. PW-2 also confirms all the allegations made by her daughter. She deposed that her daughter was not provided proper food during her stay at her in laws home. She further deposed that whenever she went to her daughters in laws home, she gave the grocery items at his home. He used to assault her daughter and driven her out of his home on 01-03-2021 and since then she is living at her house with her son. It appears from the deposition of PW-1 that she was subjected to torture by her husband on demand of more dowry. There was no mental adjustment with the OP and the petitioner and it was impossible for her to live with her husband. PW-2 also confirms about the torture to her sister. PW-2 deposed that parents of the petitioner already died and they died before the marriage of the petitioner. He also prays for divorce of his siter.

No evidence has come forward wherein it would appear that the respondent has challenged the evidence of the petitioner as well as the contents of the petition. None appears before this court to contest this case against the petitioner. As such the respondent did not appear before this Court to rebut the statement of the petitioner in this case in spite of getting several opportunities.

As per section 27 of the Special Marriage Act, the decree of divorce can be passed on the basis of above stated ground and it is crystal clear that as per the provision, the petitioner is hereby entitled to get the decree of divorce as prayed for. I think there is no reason to disbelieve the unchallenged testimony on behalf of the Petitioner when it appears from the said evidence that the Petitioner has duly corroborated his case.

Considering all aspects, I think that the petitioner has succeeded to substantiate her case by corroboration and there is no legal impediment before the Court to award a decree of divorce and to declare the marriage,

dated **24-02-2021** in between the Petitioner and the Respondent stands dissolved. Therefore, this case succeeds. C.F. Paid is correct.

Hence, it is,

**ORDERED**

That the **Matrimonial Suit no. 317 of 2025** be and the same is decreed on ex-parte in favour of the petitioner; the petitioner is awarded with a decree of divorce in his favour and against the respondent /wife.

The marital relationship in between the petitioner **Smt. Arpita Roy** and the respondent **Sri. Prosenjit Biswas** solemnized on **24-02-2021** as per Special Marriage Act is hereby dissolved by this decree of divorce, in terms of the provisions, provided under **Section 27 of the Special Marriage Act, 1954** with immediate effect. No order as to costs. Let a copy of this order be supplied to the Petitioner on free of costs if so applied.

Typed & corrected by me.

A.D.J, F.T.C.-II,  
Bongaon, North 24 Parganas.

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