

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

Present : Sri Mrityunjay Karmakar, (WBJO 00917)

**Mat Suit No. 534 of 2025
CNR : WBNP06 001611-2025**

Smt. Anchal Beara Dhali – Vs – Sri Samarjit Dhali

Section 13 of Hindu Marriage Act.

(Exparte)

Order No. 7, dated 13-05-2026

Today is fixed for appearance of the petitioner and for hearing of exparte of this suit. The petitioner is present and file hazira along with her Ld. Lawyer. The petitioner has filed her examination in chief on Affidavit. The record is taken up for hearing.

The petitioner deposed as **PW-1** and her Mother Sabita Beara deposed as **PW-2**. The petitioner has filed the Xerox copy of Aadhaar card and one (1) xerox copy of birth certificate of male child namely Sidhartha Dhali and his date of birth is on 22-07-2022, who is living with her mother /Petitioner and petitioner also files the marriage certificate.

Now the record is taken up for passing of Order of this Suit on the basis of the Petition, dated 12-08-2025, u/s. 13 of the Hindu Marriage Act, 1955 filed by the Petitioner.

The Petitioner's case in brief is that the Petitioner got married with the Respondent on **11-03-2020** as per Hindu Rites and Customs at her paternal house situated at Village – Puratan Bongaon P.O. Bongaon, P.S. - Bongaon, in the District of North 24 parganas. Their Marriage was registered on 27-04-2021 by marriage register Radha Raman Hazra ,at Motiganj,Bongaon .After marriage the petitioner had accompanied with the respondent at her in laws house situated at Village – Puratan Bongaon P.O. Bongaon, P.S. - Bongaon , District North 24 parganas, and resided there as husband and wife and their marriage was duly consummated and out of their wedlock one (1) Male child was born. The petitioner also files xerox copy of

birth certificate of male child namely Sidhartha Dhali whose date of birth is on 22-07-2022 and currently who is living with her mother /Petitioner of this case.

After filing of this suit, notice of this suit was sent to the Respondent at his residential house through Postal at Village Puratan Bongaon P.O. Bongaon, P.S. - Bongaon, in the District of North 24 parganas. The respondent received the said notice on 09-12-2025, respondent appear in the court on 15-12-2026 and WS filed on 16-03-2026.

On the date of Evidence/ hearing, the Petitioner has been examined in full as **PW.-1** and was discharged. The **P.W.- 2** her Mother Sabita Beara, has been examined in full and discharged and their depositions remains unchallenged. Petitioner has filed Xerox copy of Aadhaar card and one (1) xerox copy of birth certificate of male child namely Sidhartha Dhali who was born on 22-07-2022 and he is living with her mother /Petitioner. The photocopy of birth certificate of Sidhartha Dhali has been marked as **Exbt P-1** after tally with the original copy. Immediately the original birth certificate is returned to the petitioner from the court after tally with photocopy. Marriage certificate is mark as **Exbt 2**.

Upon perusal of the contents made out in the application by the applicant 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 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 his 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 the petitioner **Smt. Anchal Beara Dhali** is also entitled to get an award of divorce in her favour.

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 **11-03-2020** as per Hindu rites and Customs and they have started to live separately on and from **21-04-2022**. She deposed that her husband used to torture her and used to torture and assault her under the influence of alcohol. Her husband has illicit relationship with other women and when she

opposes the same, she was beaten up by her husband. Even her husband once assaulted her mother too. He never takes care of her son and also to the petitioner. He is an addicted to alcohol. She deposed further that it was impossible for her to live with the petitioner. She filed the photocopy of the birth certificate of her son and marked as exhibit P-1. Her marriage certificate has marked as **Exbt. P-2**. On the other hand, PW-2 deposed that petitioner is her daughter and she was subjected to assault by her husband. He assaulted her too and also an alcohol addicted. He has illicit relationship with another lady. So her daughter return to her home with her minor son and now they both are living at her house. Her husband never takes care for her daughter or her granddaughter. They tried to solve the problem but the respondent didn't listen to her. So, she also prays for divorce.

Anyway from the deposition of the witnesses it is seen that PW-2 the Mother Sabita Beara of the petitioner also confirms the allegation of torture and assault to the petitioner under the addiction of alcohol. She also confirms the date of marriage and date of return of her daughter from her in laws home. Petitioner is living at her father's home for the three to four years. There is no possibility of reunion considering the nature of the allegations made by the petitioner.

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 13 of the Hindu 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 of Sec. 13 of Hindu Marriage Act 1955, the petitioner is hereby entitled to get the decree of divorce as prayed for. Allegations of torture and cruelty has been proved from the deposition of the witnesses. Evidence remained unchallenged. 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. Although the respondent denied the allegations made by the petitioner in his WS, but he raised no objection in the matter of divorce if given to the petitioner.

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 **11-03-2020** 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. 534 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 her favour and against the respondent /husband.

The marital relationship in between the petitioner **Smt. Anchal Beara Dhali** and the respondent **Sri Samarjit Dhali** which had been solemnized on **11-03-2020** is dissolved by this decree of divorce in accordance with the provisions of Section 13 of the Hindu Marriage Act, 1955. The marriage registered between the parties on 27-04-2021 by Marriage Registrar Sri Radha Raman Hazra, as per registration certificate number WB33700200010100002319-2021-73437 dated 27-04-2021, is hereby dissolved with immediate effect.

No order is made as to costs. A copy of this order shall be provided to the petitioner free of charge upon request

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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Bongaon, North 24 Parganas.