

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

**Mat Suit No. 610 of 2025
CNR : WBNP06 001847-2025**

Smt. Bishakha Barman Nandi – Vs – Sri Sanju Barman

Section 13 of Hindu Marriage Act.

Present : Sri Mrityunjay Karmakar, (WBJO 00917)

Order No. 6, dated 11-05-2026

Today is fixed for the petitioner's appearance and the ex parte hearing of this suit. The petitioner is present and has filed a hazira along with her Ld. learned lawyer. The petitioner has submitted her examination-in-chief on affidavit.

The record is now taken up for hearing.

The petitioner examined as PW-1, and her mother, Anima Nandi, examined as PW-2. The petitioner has submitted a Xerox copy of her Aadhaar card and a Xerox copy of the birth certificate of her male child, Samir Barman, who was born on 25-06-2016, and who resides with her.

The record is now taken up for the passing of necessary order in this suit, based on the petition dated 11-09-2025, under Section 13 of the Hindu Marriage Act, 1955, filed by the petitioner.

In brief, the petitioner's case is that she married the respondent on 25-07-2014, according to Hindu rites and customs, at her paternal home in Village Garjala, P.O. Tentulberia, P.S. Gaighata, in the District of North 24 Parganas. After the marriage, the petitioner moved with the respondent to her in-laws' house in Village Subidpur, P.O. Purandarpur, P.S. Gaighata, District North 24 Parganas,

where they lived as husband and wife, and their marriage was duly consummated. From this union, a male child, Samir Barman, was born on 25-06-2016, who now said child is living with the petitioner.

After filing of this suit, a notice was sent to the respondent at his residence in Village Subidpur, P.O. Purandarpur, P.S. Gaighata, District North 24 Parganas, through the police station. The mother of the respondent received the notice on 13/11/2025 but did not appear in court in spite of receiving summon of the court.

On the date of the evidence hearing, i.e today on 11/05/2026 the Petitioner was fully examined as PW-1 and subsequently discharged without cross examination. PW-2, her mother Anima Nandi, was also thoroughly examined and discharged, with her deposition remaining unchallenged. The Petitioner submitted a Xerox copy of her Aadhaar card and a Xerox copy of the birth certificate of her son, Samir Barman, who was born on 25-06-2016, and who resides with her. The photocopy of the birth certificate of her son has marked as Exhibit P-1. The original birth certificate was then returned to the Petitioner after being compared with the Xerox copy by the court immediately.

Upon perusal of the application and the corroborative evidence provided by the applicant, which remained uncontested throughout the trial, the absence of the respondent/husband from court to deny the allegations suggests to this Court that he has no objection if the Petitioner obtain a divorce decree from the competent court. His lack of opposition indicates that he would not be adversely affected if the Petitioner were granted the exparte divorce decree.

Therefore, this court is inclined to issue an order in favor of the Petitioner, and Bishakha Barman Nandi is entitled to be awarded a divorce decree.

Anyway, the petitioner, the wife, was examined as P.W.-1 and then discharged. In her deposition, P.W.-1 stated that their marriage was solemnized on 25-07-2014 according to Hindu rites and customs, and they began living separately from 26-02-2025. She deposed that her husband used to torture her, assaulted her when she refused to have sex with other men for earning. She also

deposed that her husband used to assault her when she opposes her illicit relationship with another women. He never takes care of her and her son. So she was compelled to live separately from her husband. She was driven out of her home and subjected to assault. Her son is currently living with her at her parents' home. Her husband does not care for her or their son. Despite several attempts to resolve the issue, her husband refused to take her back, prompting her to file for divorce. She further submitted the photo copy of the birth certificate of her son, which includes both her son's and his father's names, serves as proof of their valid marriage. Apart from this, she has no other proof of a valid marriage. The husband has not contested the validity of their marriage in this case. P.W.-2, the petitioner's mother, Anima Nandi, also corroborated the allegations of torture and assault on demand of money. She deposed that the petitioner's husband used to torture her and demand money, and when they failed to pay, the petitioner was driven out of her matrimonial home. She also confirmed the validity of their marriage, stating that the marriage took place on 25-07-2014 according to Hindu rites and customs, and after the marriage, the petitioner went to her in-laws' home and there she gave birth to her minor son. She has been living at her father's home for the past few years, and the OP does not care for her son either. No evidence has been presented to suggest that the respondent has challenged the petitioner's evidence or the contents of the petition. No one has appeared before this court to contest the case against the petitioner. Consequently, the respondent did not appear before this court to deny the petitioner's statements, despite being given several opportunities.

According to Section 13 of the Hindu Marriage Act, a divorce decree can be granted based on the aforementioned grounds. It is evident that, under the provisions of Section 13 of the Hindu Marriage Act 1955, the petitioner is entitled to the divorce decree as requested. The allegations of torture and cruelty have been substantiated by the witnesses' deposition, which remain unchallenged. The allegations are very grave and the husband didn't deny those allegations made by the wife. I find no reason to doubt the unchallenged testimony supporting the petitioner, as the evidence clearly corroborates the petitioner's

case. Considering all aspects, I believe the petitioner has successfully substantiated her case through corroboration, and there is no legal obstacle preventing the Court from granting a divorce decree and declaring the marriage, dated 25-07-2014 between the petitioner and the respondent, dissolved.

Therefore, this case succeeds.

C.F. Paid is correct.

Hence, it is,

ORDERED

That the **Matrimonial Suit no. 610 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. Bishakha Barman Nandi** and the respondent **Sri Sanju Barman** which had been solemnized on **25-07-2014** is hereby dissolved by this decree of divorce, in terms of the provisions, provided under **Section 13 of the Hindu Marriage Act, 1955** 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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