

IN THE COURT OF THE ADDITIONAL DISTRICT & SESSIONS JUDGE FAST TRACK COURT-1, BONGAON,
DISTRICT -NORTH 24 PARGANAS

Present: Sri Durga Sankar Rana [J.O. Code WB-00950]

Matrimonial Suit No. 613 of 2025 CNR: WBNP0600-2597-2025

Amiya Kumar Majumdar Petitioner

-Vs-

Smt. Parbati Majumdar Respondent

Order No. 07 Dated: 12-05-2026

The case record is taken up for passing the ex-parte order in pursuance of the evidence recorded today and arguments heard:

This is a Matrimonial Suit filed by the Petitioner/Husband, Amiya Kumar Majumdar, against the Respondent/Wife, Smt. Parbati Majumdar, under Section 13 of the Hindu Marriage Act, 1955, seeking a decree of divorce on the grounds of cruelty and desertion.

The Petitioner's Case

The Petitioner's case, in brief, is that he married the Respondent on May 14, 2015, at Kharua Rajapur, Bongaon, following Hindu rites and customs. A son, Aryan Majumdar (now 10 years old), was born from the wedlock. The Petitioner alleges that shortly after the marriage, the Respondent's behavior turned hostile. She is described as ill-tempered, obstinate, and self-centered. Despite the Petitioner supporting her higher education, she neglected matrimonial duties, subjected him to unfounded suspicion, and frequently left for her paternal home without consent.

The Petitioner further states that on April 22, 2022, the Respondent deserted the matrimonial home and has not returned since. Notably, the Petitioner had previously obtained an ex-parte decree for the **Restitution of Conjugal Rights (Mat Suit No. 648 of 2022)**, which the Respondent failed to comply with.

Evidence and Trial

Despite proper service of summons, the Respondent failed to appear or file a Written Statement. Consequently, the suit proceeded ex-parte.

- **PW-1:** The Petitioner examined himself and filed an affidavit-in-chief corroborating his petition. He exhibited his Voter ID (**Ext-1**) and his son's Birth Certificate (**Ext-2**).
- **PW-2:** Dipti Majumdar, sister of the Petitioner, deposed in support of her brother, confirming the Respondent's cruelty and the fact of desertion since April 22, 2022. She exhibited her Voter ID (**Ext-3**).

Observations and Findings

The Petitioner seeks divorce on the grounds of **Cruelty [Sec 13(1)(ia)]** and **Desertion [Sec 13(1)(ib)]**.

1. **Cruelty:** As held in **Vishwanath Agrawal v. Sarla Vishwanath Agrawal [(2012) 7 SCC 288]**, "cruelty" is a matter of human conduct and social milieu. The un rebutted testimony of PW-1 and PW-2 establishes that the Respondent's behavior caused mental agony to the Petitioner. Furthermore, as per **Praveen**



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Mehta v. Inderjit Mehta [AIR 2002 SC 2582], the denial of cohabitation and the failure to comply with a decree of Restitution of Conjugal Rights amounts to mental cruelty.

2. **Desertion:** The evidence confirms the Respondent left the matrimonial home on April 22, 2022. As of today's date (May 12, 2026), she has lived separately for more than two years without any reasonable cause and without the intention to return (*animus deserendi*).

The court finds no reason to disbelieve the uncontroverted evidence of the Petitioner. The statutory requirements for divorce on the grounds of cruelty and desertion have been satisfied.

Hence, it is,

ORDERED

That the **Matrimonial Suit No. 613 of 2025** be and the same is hereby **decreed ex-parte** without costs.

The marriage solemnized between the Petitioner, **Amiya Kumar Majumdar**, and the Respondent, **Smt. Parbati Majumdar**, on 14-05-2015 is hereby **dissolved** by a decree of divorce under Section 13(1)(ia) and 13(1)(ib) of the Hindu Marriage Act, 1955, with immediate effect.

The Petitioner is granted the custody of the minor son, Aryan Majumdar, as the child has been residing with him since the Respondent's desertion.

Decree be drawn up accordingly.

**Additional District & Sessions Judge,
Fast Track Court-1, Bongaon, North 24 Parganas**

Additional Dist and Sessions Judge
Fast Track Court-1
Bangaon, North 24 Pgs.

Dictated & Corrected by me,

**Additional District & Sessions Judge,
Fast Track Court-1, Bongaon, North 24 Parganas**

Additional Dist and Sessions Judge
Fast Track Court-1
Bangaon, North 24 Pgs.

Handwritten notes in Bengali script, including the word 'বিশেষ' (Special) and other illegible text.