

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

Mat Suit No. 192 of 2025
CNR : WBNP06 000557-2025

Smt. Dipa Halder – Vs – Sri Biswajit Kundu

Section 13 of Hindu Marriage Act.

Present : Sri Mrityunjay Karmakar, (WBJO 00917)

Order No. 11,

Dated 23-06-2026

(Exparte)

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 **Durga Halder** 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 Rohan Kundu age about 7 years who is now living with her mother /Petitioner.

Now the record is taken up for passing of Order of this Suit on the basis of the Petition, dated 18-03-2025, 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 **11-03-2018** as per Hindu Rites and Customs at her paternal house situated at Village – Puratan Bongaon P.O. Puratan Bongaon , P.S. - Bongaon, in the District of North 24 parganas. After marriage the petitioner had

accompanied with the respondent at her in laws house situated at Village – Kumro Ghoshpara, P.O – Kashipur, P.S. - Habra, District North 24 Parganas, and resided there as husband and wife and their marriage was duly consummated and out of their wedlock one male child was born to them namely Rohan Kundu aged about seven years and now he is living with her mother.

After filing of this suit, notice of this suit was sent to the Respondent at his residential house through P.S. at Village Kumro Ghoshpara, P.O– Kashipur, P.S.-Habra, District North 24 Parganas. The Brother of respondent received the said notice on 02-02-2026, but respondent did not appear in the court.

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 Durga Halder**, has been examined in full and discharged and the same remains unchallenged. Petitioner has filed Xerox copy of Aadhaar card and one (1) xerox copy of birth certificate of male child namely Rohan Kundu seven years and he is now living with her mother; the photocopy of birth certificate has been marked as **Exbt P-1**. Thereafter original birth certificate is returned to the petitioner then and there from the court after tally with xerox copy and original copy.

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 **Dipa Halder** 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 **11-03-2018** as per Hindu rites and Customs and they have

started to live separately on and from **03-01-2023**. She deposed that her husband used to torture her and refused to provide proper food and he used to assault under the addiction of alcohol to her and also demanded money from her. She failed to fulfil her demand and therefore she was driven out of her home subjected her to assault. Her son is also now living with her at her father's home. Her husband doesn't take care of her or her son. They tried to settle the problem several times but her husband was not agreeing to take her back. So, she filed this case of divorce against her husband. She further deposed that her husband has illicit relationship with another women. He has habit of gambling. She further deposed that the copy of birth certificate of her son reflecting the name of her son and his father is the proof of their valid marriage. Apart from this she has no other proof of valid marriage. Husband also doesn't challenge the validity of their marriage in this case.

PW-2 the mother of the petitioner also confirms the allegation of torture and assault to the petitioner under the addiction of alcohol. She also deposed that the husband of the petitioner used to torture her and demanded money from her and they failed to pay it so she was driven out of her matrimonial home. She also confirmed the validity of their marriage. She deposed that the marriage of the petitioner and her husband was held on **11-03-2018** as per Hindu rites and customs and after marriage petitioner went to her in laws home. Now she is living at her father's home for the last 3 years and the OP doesn't take care of her son also. Her grand-son is also living with the petitioner at her mother's home.

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.

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 **11-03-2018** 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. 192 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. Dipa Halder** and the respondent **Sri Biswajit Kundu** which had been solemnized on **11-03-2018** 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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Bongaon, North 24 Parganas.