

E.J Appeal-4/24

Order dt. 6.5.2026

Today is fixed for show cause by appellant.

Lawyer's hazira filed on behalf of the respondent.

Show cause supported by an affidavit has been filed by the appellant.

Ld. Counsel for both the sides are present.

Ld. Counsel for the appellant submits that there is no intentional laches on the part of the ld. Counsel for the appellant for not being present at the time of hearing of the appeal on 21.4.26 and he prays for accepting the show cause filed by appellant today.

Ld. Counsel for the respondent submits that appellant is not at all interested to proceed with the hearing of the appeal and they are taking different tactics on almost all the dates, only with an intention to drag the appeal.

On consideration of the previous orders passed by this Court it is found that the instant appeal has been filed on 2.2.2024 and since 27.6.2024 this appeal was fixed for hearing. It is further found that on almost all the dates the hearing of the appeal cannot be proceeded only due to prayer for adjournment filed from the side of the appellant. However for the ends of justice show cause filed by the appellant is considered and accepted today with a cost of Rs. 5,000/- to be paid by the appellant to the respondent .

Since this appeal is pending for hearing for considerable long period ld. Counsel for both sides are requested to proceed with the hearing of the appeal positively on the next date fixed.

Fix 19.5.2026 for hearing of the appeal and filing of money receipt showing payment of cost by appellant.

D/C by me.

Addl. District Judge,
4th Court, Alipore.
(J.O.Code-WB00705).

Mat-2975/2021
WBSP01-012206-2021

Order dt. 20.1.2024

Today is fixed for step by the petitioner.

One witness Chabi Sardar filed her examination in chief by affidavit and she is examined as PW-2. No other witness present.

Hd argument.

The record is now taken up for delivery of judgment.

This is an application under section 27 of the Special Marriage Act, 1954 for dissolution of marriage by a decree of divorce.

The plaint case in a nutshell is, that the petitioner is the legally married wife of the respondent and the said marriage was solemnized on 24.4.2017 under Special Marriage Act before the Marriage Officer Raja Banerjee at his office at 10A Ram Mohan Dutta Rd within P.s Bhowanipore, Kol-20 within the jurisdiction of this court. After marriage the petitioner and the respondent started to live their conjugal life at the house of the respondent/husband at 13, Bakulbagan Row within the

jurisdiction of this court. After marriage the marital life between the parties was supposed to be peaceful, but there was never any healthy relationship due to mismatch between the parties, however the marriage was duly consummated, but the parties have no issue. Soon after marriage the petitioner found that the relation with the respondent got strained and clouded due to change in behaviour and attitude of the respondent who started behaving abnormally and did not allow the petitioner in her studies and at times started beating the petitioner brutally in front of people and gradually it could be revealed that the respondent is a habitual drunker and used to take narcotics and whenever the petitioner tried to change him, the respondent turned violent and abused the petitioner and at times tortured her mercilessly. The respondent was of very nagging habits and always suspicious about his wife and even did not allow her to talk with her parents or anybody else and that the petitioner has been a victim of mental and physical cruelty. Further that due to such inhuman torture and behaviour on the part of the respondent, the petitioner left her matrimonial home on or about June 2018 and the respondent never tried to get her back and thus deserted the wife since June 2018.

The above facts culminated into the present suit.

Notice of the suit was served upon the respondent, but he did not appear to contest. Record further reveals that the plaint was amended at the instance of the petitioner and thereafter the court ordered for fresh service upon the respondent and even at that time too despite of proper service, the respondent did not appear to contest the suit. So, the suit was heard ex parte.

During ex parte hearing of the suit the petitioner got herself examined as P.W-1 and during evidence the original marriage certificate was admitted in evidence and marked as ext-1. The mother of the petitioner Smt Chabi Sardar also examined as PW-2

The testimony of the petitioner and her mother remained unchallenged. By such unchallenged testimony, the petitioner has been able to prove the fact that she was subjected to mental and physical torture by the respondent-husband. The witnesses supported the plaint case and proved that the respondent is the legally married husband of the petitioner and the said marriage was solemnized on 24.7.2017 according to the Special Marriage Act. It has been proved to the satisfaction of the court that the

respondent has caused cruelty on her without any just cause and that he also deserted his wife for a period more than two years.

Since there was no evidence to the contrary, this court finds no reason to disbelieve the contention of the petitioner and thus the allegations as set forth in the plaint has been proved by her successfully. Cruelty as well as desertion being the grounds for divorce, which have been proved by the unchallenged testimony.

As a result, the suit succeeds and the petitioner is entitled to the decree of divorce as prayed for.

C. F. paid is correct.

Hence, it is

Ordered

that the suit be and the same being *Mat-2975/2021* is decreed ex parte without any order as to cost.

The marriage solemnized in between the parties on 24.4.2017 stands dissolved from this day by a decree of divorce.

Decree be drawn up accordingly.

The suit is, thus disposed off.

Upload in C.I.S.

D/C by me.

Judge,

Addl. District

4th Court,

Alipore.

Mat Suit No. 3920/22

Order dt. 4.9.2023

Today is fixed for ex parte hearing of this case.

The record is taken up for delivery of judgment.

This is an application under section 13 of the Hindu Marriage Act, 1955 for dissolution of marriage by a decree of divorce.

The plaint case in a nutshell is, that the petitioner is the legally married husband of the respondent and the said marriage was solemnized on 21.9.2009 according to the Hindu rites and customs at the residence of respondent/wife which was been duly registered by the Marriage Officer Aditi Deb . After marriage the petitioner and the respondent started to live their conjugal life at 2/173A, Sree Colony, P.O Regent Estate, P.S Netajinagar. Kolkata-700092 within the jurisdiction of this court. After marriage the marital life between the parties was quite peaceful and their marriage was consummated and out of the matrimonial relation one male child was born namely Sisan Guha Thakurta was born on 27.9.2010 who is now 12 years old and at present living with the petitioner No-1. Few days after marriage the petitioner found that the relation with the respondent got strained and clouded. That since the petitioner is self employed and used to earn a little money the respondent always used to ill behave with the petitioner and his family members. That the respondent also used to beat the petitioner in front of the male child and also used to abuse the parents of the petitioner by using filthy languages . Gradually the relation between the petitioner and the respondent turned horrible and finally on 30.12.2019 the respondent left her matrimonial home leaving the said minor child with the petitioner. On several occasions the petitioner went to his in law's house to return the respondent and reconcile the matter but the respondent did not come back to her matrimonial house and finding no alternative the instant suit was filed for dissolution of marriage.

The above facts culminated into the present suit.

Notice of the suit was served upon the respondent, but she did not appear to contest. So, the suit was heard ex parte.

During ex parte hearing of the suit the petitioner got himself examined as sole P.W and during evidence the original copy of marriage certificate and original copy of birth certificate were admitted in evidence and marked as ext-1 and ext-2 respectively.

The testimony of the petitioner remained unchallenged. By his unchallenged testimony the petitioner has been able to prove the fact, that he was subjected to mental torture by the respondent-wife. He supported the plaint case and proved that the respondent is the legally married wife of the petitioner and the said marriage was solemnized on 21.9.2009 according to the Hindu rites and customs. It has been proved to the satisfaction of the court that the respondent has caused cruelty and deserted the petitioner without any just cause.

Since there was no evidence to the contrary, this court finds no reason to disbelieve the contention of the petitioner and thus the allegations as set forth in the plaint has been proved by him successfully. Cruelty and desertion are the grounds for divorce in this case, which has been proved by his unchallenged testimony.

As a result, the suit succeeds and the petitioner is entitled to the decree of divorce as prayed for.

C. F. paid is correct.

Hence, it is

Ordered

that the suit be and the same is decreed ex parte without any order as to cost.

The marriage solemnized in between the parties on 21.9.2009 stands dissolved from this day by a decree of divorce.

Decree be drawn up accordingly.

The suit is, thus disposed off.

D/C by me.

Addl. District Judge,
4th Court, Alipore, I/C.

Mat Suit No. 3547/2021

Rajat Ganguly Petitioner

Vs.

Tania Ganguly Nee Majumder Respondent

Order dt. 21.2.2023

Today is fixed for delivery of judgment ex parte.

The record is taken up for delivery of judgment.

This is an application under section 13 of the Hindu Marriage Act, 1955 for dissolution of marriage by a decree of divorce.

The plaint case in a nutshell is, that the respondent is the legally married wife of the petitioner and the said marriage was solemnized on 11.12.2011 according to the Hindu rites and customs at the father's house of the respondent at C/15/5, Patuli Ghoshpara, P.O Panchasayar, P.S Patuly, Kol-700094 within the jurisdiction of this court and the marriage was duly registered on 22.7.2013. After marriage the petitioner and the respondent started to live their conjugal life at 1/200, Naktala, P.O- Naktala, P.S Netajinagar. Kolkata-700047 within the jurisdiction of this court. After marriage the marital life between the parties was quite peaceful and out of the matrimonial relation one female child was born namely Moupriya Ganguly @ Ritu Ganguly on 28.5.2013 who is at present living with the petitioner. Few days after marriage the petitioner found that the relation with the respondent got strained and clouded. After passing a few months of marriage both began to notice some sorts of change in behaviour and attitude of the respondent. That since the petitioner is self employed and used to earn a little money the respondent always used to ill behave with the petitioner by using filthy languages towards the petitioner. Gradually the relation between the petitioner and the respondent turned horrible and finally on 2.10.2020 the respondent left her matrimonial home keeping the said minor daughter and took all her stridhan articles and essential documents without any knowledge or consent of the petitioner and his family members. On several occasions the petitioner went to his in law's house to return the respondent and reconcile the matter but the respondent did not come back to her matrimonial house and finding no alternative the instant suit was filed for dissolution of marriage.

The above facts culminated into the present suit.

Notice of the suit was served upon the respondent, but she did not appear to contest. So, the suit was heard ex parte.

During ex parte hearing of the suit the petitioner got himself examined as sole P.W and during evidence the photo copy of Aadhar card and certified copy of marriage certificate were admitted in evidence and marked as ext-1 and ext-2 respectively.

The testimony of the petitioner remained unchallenged. By his unchallenged testimony the petitioner has been able to prove the fact, that he was subjected to mental torture by the respondent-wife. He supported the plaint case and proved that the respondent is the legally married wife of the petitioner and the said marriage was solemnized on

11.12.2021 according to the Hindu rites and customs. It has been proved to the satisfaction of the court that the respondent has caused cruelty on him without any just cause.

Since there was no evidence to the contrary, this court finds no reason to disbelieve the contention of the petitioner and thus the allegations as set forth in the plaint has been proved by him successfully. Cruelty is the only ground for divorce, which has been proved by his unchallenged testimony.

As a result, the suit succeeds and the petitioner is entitled to the decree of divorce as prayed for.

C. F. paid is correct.

Hence, it is

Ordered

that the suit be and the same is decreed ex parte without any order as to cost.

The marriage solemnized in between the parties on 11.12.2011 stands dissolved from this day by a decree of divorce.

Decree be drawn up accordingly.

The suit is, thus disposed off.

D/C by me.

Judge,

Alipore.

Addl. District

4th Court,