

**IN THE COURT OF THE ADDITIONAL DISTRICT JUDGE , 1ST  
COURT, ALIPORE DISTRICT: SOUTH 24-PARGANAS**

**Present : Rajesh Chakraborty (J.O. Code : WB00764)**

**Additional District Judge, 1<sup>st</sup> Court, Alipore**

**Matrimonial Suit No. 1996 of 2025**

**Order No. 05 dated 17.01.2026**

Today is fixed for passing order in respect of the petition dt. 03.01.2026 filed by the petitioner.

Parties file their respective haziras.

The petitioner has filed the present application praying for a judgment on admission under Order XII Rule 6 of the Code of Civil Procedure for declaring the marriage between the petitioner and the respondent, registered on 18.08.2013 under the Special Marriage Act, 1954, as null and void. The foundation of the prayer is that the respondent has filed a written statement and, in paragraph 5 thereof, has stated that there is no legal bar in passing a judgment on admission.

Heard learned advocates for the parties and perused the pleadings on record.

It is true that in matrimonial proceedings admissions made in pleadings may have evidentiary value. However, the nature of a matrimonial decree, particularly a decree of nullity of marriage under the Special Marriage Act, is fundamentally different from an ordinary civil decree. A decree declaring a marriage to be null and void is a judgment in rem. Such a judgment does not merely determine the rights of the parties inter se, but operates against the whole world and affects the marital status of the parties. For this reason, matrimonial statutes require the Court to be fully satisfied, on legal evidence and on due scrutiny of facts, that the statutory grounds for nullity are made out.

Order XII Rule 6 of the Code of Civil Procedure enables the Court to pronounce judgment on admission in cases where such admission is clear, unequivocal and sufficient to grant relief. The provision is discretionary and not mandatory. In matrimonial causes, especially those involving declaration of marital status, the Court is under a higher obligation to independently assess whether the essential conditions prescribed by the statute are fulfilled, irrespective of any admission or concession made by the parties.

In the present case, the relief sought is a declaration that the marriage is void and a decree of nullity under Section 25(i) of the Special Marriage Act. Even if certain facts are admitted in the written statement, the Court cannot short-cut the statutory requirement by disposing of the matrimonial suit solely on admission. The Court must be satisfied, upon appreciation of pleadings, evidence and surrounding circumstances, that the marriage has not been consummated and that the legal

ingredients necessary for grant of a decree of nullity are established in accordance with law.

An admission by a party that there is “no legal bar” to passing a judgment on admission cannot confer jurisdiction upon the Court to pass a decree in rem without full judicial scrutiny. Matrimonial status cannot be altered merely on the consent, concession or admission of the parties. The discretion under Order XII Rule 6 CPC must therefore yield to the special nature of matrimonial jurisdiction and the public character of the relief involved.

In view of the aforesaid legal position, this Court is of the considered view that the prayer for declaring the marriage null and void by invoking Order XII Rule 6 of the Code of Civil Procedure is not maintainable. The matrimonial suit cannot be finally decided on admission alone, as the relief sought involves a judgment in rem affecting the status of the parties.

Accordingly, the prayer for judgment on admission under Order XII Rule 6 CPC is hereby rejected. The matrimonial suit shall proceed in accordance with law for adjudication on merits.

Fix **07.02.2026** for framing of issues.

Dictated & Corrected by me

Additional District Judge,  
1<sup>st</sup> Court, Alipore

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