

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

Present: Sri Rajesh Chakraborty (JO Code : WB00764)
Additional District Judge,
1st Court, Alipore (South 24-Parganas)

MAT SUIT No. 3503 OF 2023

Sri Khokan KayalPetitioner/Husband

Vs.

Smt. Mampi Halder (Kayal).....Respondent/Wife

Order No. 16 dated 21.04.2026

Today is fixed for ex parte hearing of the suit.

Petitioner files hazira.

Petitioner/ husband files his affidavit in chief and he deposed as PW-1 and proved two documents as Ext. 1 and Ext. 2.

Heard the argument in full.

Now, the record is taken up for passing ex parte order.

The instant suit has been filed by petitioner/husband for dissolution of marriage by a decree of divorce under Section 13(1) (ia) of the Hindu Marriage Act, 1955.

The brief facts of the case as revealed from the petition is that both the petitioner/husband and respondent/wife are Hindu and their marriage was solemnized on 25th November 2015 as per Hindu rites and customs and after solemnization of their marriage, the respondent and the petitioner lived together as husband and wife at Vill. Kalicharanpur, P.O. Nepalgunge, P.S. Bishnupur, District: South 24-Parganas, which is also within the jurisdiction of this Id. Court. The marriage was duly consummated. But very soon after the marriage the respondent during her living in the matrimonial house used to insult the petitioner and behaved roughly and treated him with great

harshness, negligent and abusing him including his family members with filthy and insulting languages. The respondent always intended to leave the petitioner's house as she is not willing to stay in matrimonial house as wife with the petitioner. Out of the wed-lock one female child was born namely Annesa Kayal who is now aged about 5 years and your petitioner had to bear all sorts of whimsical acts of the respondent for the sake and to save the conjugal life by way of adjustment in her matrimonial house but the respondent had no heart nor any love and affection for the petitioner and their daughter and the respondent always used to show her dissatisfaction towards the petitioner.

It is further stated that That during the period of living in her matrimonial house the respondent off and on contacted with unknown person having male tone over Mobile phone particularly in deep night while your petitioner protested but the respondent did not care at all rather mercilessly assaulted the petitioner. That lastly on 20th day of June, 2020 without any information and prior consent of your petitioner and his family members taking all of her stridhan articles left her matrimonial house for her parental house. The minor daughter is under the custody of the petitioner.

Petitioner also lodged a G.D. Entry being no. 379 dated 6.7.2020 in the P.S. Bishnupur, Dist. South 24-Parganas and thereafter on 04.03.2022 a legal notice by the petitioner's Advocate was sent to the respondent to come back but the respondent failed to comply the notice.

The petitioner again stated that his wife has been very quarrelsome and perpetrated mental torture upon him on various trivial issues and at time she also assaulted him physically and she never spent any quality time with him and she has no more feelings of love and affection with him.

He further asserted that the petitioner tried his all efforts to live happily with the respondent but the respondent intentionally and deliberately treated the petitioner with utmost cruelty and finally on

20.06.2020, the respondent left her matrimonial home and began to reside at her parental home.

Finding no other alternative the petitioner filed this suit for dissolution of marriage which was solemnized on 25.11.2015 as per Hindu rites and customs.

Notice was issued through court and through registered post. On perusal of the postal receipt with track report it appears that the summons was served upon the respondent but she has not appeared. Therefore, the case was fixed for ex parte hearing on 27.06.2024.

In order to prove the case, the petitioner examined himself as PW-1. He proved the photocopy of Birth Certificate of his daughter as Ext. 1 and photocopy of Aadhaar card as Exhibit 2 respectively.

From the unchallenged testimony, it is evident that the petitioner/husband and respondent/wife are Hindu and their marriage was solemnized on 25.11.2015 and they cohabited in the house of the petitioner. A female child was also born out that wedlock. It is also revealed from unchallenged testimony that the petitioner was subjected to cruelty both mentally and physically for her attitude and he was deserted by the respondent, as a result the petitioner had been living separately since long.

Having considered above facts and circumstances and the unchallenged evidence, this court is of opinion that the respondent has deserted the petitioner for a continuous period of more than two years immediately preceding the presentation of the petition without just cause. This Court is of further opinion that the respondent inflicted torture upon the petitioner through her behaviour and attitude. It is also revealed from the evidence that the parties have not resumed cohabited since their separation.

In view of the above considerations, this court has no hesitation to hold that the respondent has deserted the petitioner for more than continuous period of two years without just or reasonable cause and inflicted torture upon the petitioner physically and mentally. Thus, it is very much clear that the marriage tie between the petitioner and

the respondent has become too fragile and there is no chance of their reunion. Therefore, the court is of the opinion that their marital relation has lost the very object of marriage due to desertion and cruelty. Under such circumstances, the petitioner is entitled to get decree of divorce on the ground of cruelty and desertion for more than two years. Accordingly, the suit is disposed of ex parte.

Court fees paid, is sufficient.

Hence, It is,

ORDERED

THAT THE INSTANT MAT SUIT being No. 3503 of 2023 under Section 13(1) (ia) of the Hindu Marriage Act, 1955 for dissolution of marriage, be and the same is decreed ex parte without any order as to costs.

Accordingly, the marriage between **Khokan Kayal** (petitioner / husband) and **Mampi Halder (Kayal)** (respondent / wife) solemnized on 25.11.2015, is hereby dissolved under Section 13(1) (ia) of the Hindu Marriage Act, 1955 from the date of this order.

Let the decree be drawn accordingly.

The instant Mat Suit is, thus, disposed of.

Note in relevant register and CIS.

D/C by me

Additional District Judge,
1st Court, Alipore

Additional District Judge,
1st Court, Alipore