

**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. 3555 of 2025

Sri Prosenjit Chatterjee...Petitioner
-versus-
Smt. Purbali Hazra...Respondent

Order No. 9 dated 08.04.2026

Today is fixed for ex parte hearing of the suit.

Petitioner files hazira.

Heard the argument in full.

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

The present matrimonial suit has been instituted by the petitioner under Section 13 of the Hindu Marriage Act, 1955 seeking a decree for dissolution of marriage on the ground of desertion. The case has a brief yet poignant factual background reflecting a gradual breakdown of marital ties between the parties.

The records reveal that the respondent initially entered appearance in the suit and, on 05.01.2026, filed a vakalatnama along with an application for filing written statement. However, despite such initial participation, the respondent thereafter failed to contest the proceeding and remained absent without any justifiable cause. In view of such conduct, this Court, in adherence to due process, directed issuance of show-cause as to why the suit should not be heard ex parte, fixing 21.02.2026 for that purpose. On the said date also, the respondent did not appear or take any step. Consequently, the suit proceeded ex parte against her .

The petitioner has examined himself as PW-1 and has also adduced evidence of one supporting witness, PW-2. The testimony of PW-1 is on affidavit and remains unchallenged and unrebutted in the absence of any cross-examination by the respondent. The petitioner has proved his identity through documentary evidence marked as Exhibit-1. The substance of his evidence is consistent with the pleadings made in the plaint.

From the unrebutted testimony of PW-1, it transpires that the marriage between the parties was solemnized on 08.07.2022 according to Hindu rites and customs and the parties thereafter lived together as husband and wife. The marital relationship, though initially cordial, gradually deteriorated due to

practical difficulties arising out of the responsibility of caring for their respective dependent mothers. Both parties were professionals and were simultaneously burdened with familial obligations, which led to increasing strain in the matrimonial life.

It has come in evidence that the respondent began spending increasing time at her parental home owing to her mother's ill health, which eventually led to physical and emotional separation between the spouses. Although attempts were made to reconcile, circumstances did not permit restoration of cohabitation. The petitioner's mother passed away on 02.05.2023, and the respondent last stayed in the matrimonial home on 15.05.2023 in connection with post-death rituals. Thereafter, she did not return to resume matrimonial life.

The evidence further discloses that even after the demise of the respondent's mother on 15.06.2024, there was no attempt from the respondent's side to rejoin the petitioner. The parties have since been living separately with no communication or effort towards reconciliation. The petitioner has categorically deposed that the respondent has willfully and deliberately deserted him, and that the matrimonial bond has irretrievably broken down.

The testimony of PW-2, who is an independent witness and a friend of the petitioner, corroborates the petitioner's version regarding the marriage and subsequent separation. She has also stated that despite efforts by the petitioner to bring the respondent back, the latter refused to resume cohabitation. Her evidence also remains uncontroverted.

In matrimonial proceedings, particularly those proceeding ex-parte, the Court is required to scrutinize the evidence carefully to ensure that a case for relief has been satisfactorily made out. In the present case, the pleadings and evidence are consistent, cogent, and inspire confidence. There is no material on record to disbelieve the petitioner's case. The conduct of the respondent in abandoning the proceeding further strengthens the inference that she has no plausible defence to offer.

Desertion, as a ground under Section 13 of the Hindu Marriage Act, requires proof of factum of separation and animus deserendi. The evidence on record clearly establishes that the parties have been living separately since 15.05.2023 and that there has been no intention on the part of the respondent to resume cohabitation. The long period of separation, absence of communication, and lack of any reconciliation effort demonstrate the existence of both the essential elements of desertion.

Considering the entirety of circumstances, this Court is satisfied that the petitioner has been able to prove his case on the touchstone of preponderance of

probabilities. The marriage between the parties has broken down beyond repair, and there exists no possibility of restoration of conjugal life.

Accordingly, the suit succeeds ex parte.

Court fees paid, is sufficient.

Hence, It is,

ORDERED

that the marriage between the petitioner, Sri Prosenjit Chatterjee and the respondent, Smt. Purbali Hazra, solemnized on 08.07.2022 be and the same is hereby dissolved by a decree of divorce under Section 13 of the Hindu Marriage Act, 1955 from the date of this order.

There shall be no order as to costs.

Let a decree be drawn up accordingly.

The instant Mat Suit is, thus, disposed of.

Note in relevant register.

D/C by me

Additional District Judge,
1st Court, Alipore

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