

**Matrimonial Suit No. 66 of 2025**

CNR No. WBUD05-000926-2025

Present : Sri Plaban Mukherjee (J.O Code : WB01427)

Sri Pol Das ..... Petitioner

vs.

Smt. Parbati Paul ..... Respondent

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Order No. 05

Dated: 05.06.2026

Today, is the date fixed for reconciliation.

The instant suit has arisen out of an application under section 28 of the Special Marriage Act, 1954.

Both the petitioners are present by filing their haziras along with their learned Advocates.

Ld. Advocate of both the petitioners submitted that the petitioners are not in a position to resume their conjugal life again.

It is pertinent to mention here that prior to the recording of evidence in this case both the parties were given an opportunity to sort out the apple of discord between them and an initiative on the part of this Court was taken to effectuate reconciliation in compliance of order XXXII-A of the Code of Civil Procedure, 1908 in between the parties of this suit.

In course of reconciliation in between the parties, they without any ambiguity divulged that there is no possibility of restoration of their conjugal life and they mutually agreed to obtain mutual divorce. So, the process of reconciliation fails.

Now, the case record is taken up for evidence.

Both the petitioners, namely, Pol Das and Smt. Parbati Paul filed their respective Examination-in-chief on affidavit and tender the same on the dock as PW-1 and PW-2 respectively. On behalf of the petitioners photostat copies of their Aadhaar Cards and original marriage registration certificate are marked as Ext.1, Exbt. 2 and Ext.3 respectively.

On the prayer of the Ld. Counsels, evidence is closed.

Now, the case record is taken up for passing order.

Learned Advocates for the petitioners submitted that the marriage in between the petitioners Pol Das and Parbati Paul was as per the relevant

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provisions of the Special Marriage Act, 1954 on 26-11-2022. It is further submitted that the marriage in between the petitioners were duly consummated and out of their wedlock no issue was born. It is further submitted that in course of continuation of the marriage tie difference of opinions cropped up between the parties and they failed to resolve the same despite their best effort. The difference of opinion reached to such an extent that they started to reside separately on and from 24.05.2023 as they have noticed that there were no chance of reconciliation and finally they have decided to put an end in their relationship by mutual consent and as such they have applied for divorce by filing an application under section 28 of Special Marriage Act, 1954 for getting decree of divorce on mutual consent.

The instant suit was instituted on 12.06.2025.

The basic elements which the parties are required to prove for getting a decree of divorce on mutual consent under section 28 of the Special Marriage Act, 1955, are as follows :-

1. That the parties have been living separately for a period of one year or more immediately preceding to the institution of the suit;
2. That the parties have not been able to live together as husband and wife;
3. That they have mutually agreed that the marriage should be dissolved.

In order to substantiate their case both the petitioners, i.e. the husband and the wife have examined themselves on oath as P.W.1 and P.W.2 respectively. The attested photostat copies of the Aadhaar Cards of the petitioners and original marriage registration certificate have been admitted into evidence and the same are marked as Exbt-1, Exbt. 2 and Exbt. 3. Both the petitioners have supported their versions as has been mentioned in the petition. It is their contention that they have been living separately on and from 24.05.2023. It is also their contention that there is no scope to live together as husband and wife and that they have mutually took conscious decision to put an end in their marital tie and obligations. Here in the instant case from the evidence of both the parties it appears that they started living separately at separate places since 24.05.2023. This Court does not find any material in their evidence to disbelieve their testimony. It is to be mentioned

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here that both the parties are the resident within the jurisdiction of this Court.

It is also pertinent to mention here that the date of marriage of the parties to the instant suit is 26-11-2022 and the present suit was instituted on 12.06.2025 which goes to signify that the instant suit was not instituted within one year from the date of their marriage. It has also come out from the case record that during the cooling off period of 6 months the petition has not been withdrawn by the parties. The object of this time frame is to give an opportunity to the parties for reconciliation and if the petition be not withdrawn during this time span, it can easily be presumed that the parties are agreed to dissolve their marriage tie by mutual consent. It is further asserted that the instant suit was not instituted collusively. From the evidence of the parties before this court, this Court does not find any impediment to allow the prayer of the petitioners.

Hence it is,

**O R D E R E D**

That instant Mat Suit being No. 66 of 2025 be and the same is allowed on consent under section 28 of the Special Marriage Act, 1954.

The marriage tie between the parties namely, Pol Das and Parbati Paul solemnized on 26-11-2022 be and the same is dissolved by a Decree of Divorce on mutual consent with effect from the date of the decree.

Decree be drawn up.

Thus this suit is disposed off.

Note in the relevant register.

Upload in the CIS.

Dictated & Corrected by me.

**(PLABAN MUKHERJEE)**

Additional District Judge

Islampur, U/Dinajpur.

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Additional District Judge

Islampur, U/Dinajpur.