

**Mat Suit No. 270/2025**  
**C.I.S Reg. No. 147/2025**  
**CNR No. WBWM01-002162-2025**

***Present: Sri Pushpal Satpathi,  
Addl. District Judge, 1<sup>st</sup> Court,  
Paschim Medinipur (J.O Code. WB 01301)***

***Banasree Maity .....Petitioner/wife***

vs.

***Anit Maity.....Respondent/husband***

**Order No.12**  
**dated 03-06-2026**

*Hazira* is filed on behalf of the petitioner/wife. Notice of proceeding by registered post with A/D was served upon the respondent but he preferred not to contest the case.

The petitioner's case in a nutshell is that the respondent is the legally married husband of the petitioner. Their marriage was solemnized on or about 03-05-2001 according to Hindu rites, customs, and ceremonies, observing all the formalities of a valid Hindu marriage at the paternal residence of the respondent. After the marriage, the petitioner went to the matrimonial home of the respondent and lived there with him as husband and wife. Their marriage was duly consummated. At the time of marriage, as per the demand of the respondent and his family members, the father of the petitioner gave the respondent gold ornaments weighing about 10 *bhories*, along with other gift articles. Thereafter, the respondent, from time to time, demanded further money and dowry from the petitioner's father and put immense pressure upon the petitioner to bring money from her father for purchasing a shop for his order-supply business. When the petitioner informed the respondent that her father did not have sufficient means to provide further dowry, the respondent subjected the petitioner to physical and mental cruelty and torture. After one year of their marriage, out of their lawful wedlock, a female child, namely, Rittiva Maity, was born on 10-09-2002. The father of the petitioner suddenly passed away in a road accident on 09-05-2007. After the death of her father, the petitioner's mother resided alone at *Salboni* and looked after her small business. The mother of the petitioner paid a sum of Rs. 1,80,000/- to the respondent for his business. Subsequently, the mother of the petitioner decided to

reside at *Midnapur* town and, for that purpose, provided the petitioner with about Rs. 22,00,000/- for the purchase of a residential plot. Accordingly, in the year 2015, the petitioner purchased a residential plot measuring 0.0430 acre (4.30 decimals) at *Mouza-Kangaliganj Patna* under *Kotwali* police station at a consideration price of Rs. 19,05,320/- in the joint names of the petitioner and the respondent. Thereafter, the mother of the petitioner gave the petitioner about Rs. 46,00,000/- for the construction of a dwelling house. The petitioner constructed a dwelling house on the said plot and completed the same. Thereafter, the petitioner and the respondent started residing in the newly constructed house at *Mouza-Kangaliganj Patna* along with the petitioner's ailing mother and their daughter. However, since January, 2020, the respondent left the company of the petitioner and their daughter and started residing at his parental house at *Aurobindanagar, Midnapur*. Their daughter continued to reside with the petitioner. The mother of the petitioner passed away on 21-06-2024. The respondent did not provide any maintenance or bear any educational expenses for his daughter.

Petitioner on 04-03-2025 filed an application u/s. 13(1)(ia) of the Hindu Marriage Act, 1955 praying for a decree of divorce dissolving the marriage between the parties solemnized on 03-05-2001 before the Ld. District Judge, *Paschim Medinipur* and Ld. District Judge was pleased to transfer the same for disposal to this Court.

The petitioner and her daughter got themselves examined as witnesses on 29-01-2026. Examination-in-chief of both on Affidavit were tendered under Order 18 Rule 4 of the C.P.C. on the same date. The petitioner/wife, while examining herself as P.W.-1 in this case, testified on oath to the material averments made in her application and substantially reiterated the statements made in the petition for divorce. She stated that, due to persistent physical and mental torture inflicted upon her, she was compelled to withdraw herself from the society of her husband. P.W.-2 corroborated the version of P.W.-1.

Accordingly, having considered the averments duly established I have no hesitation to hold that the present suit clearly spells out cruel conduct on the part of the respondent. Under the circumstances, the petitioner is not expected to live with her husband compromising with the cruelty perpetrated on her by the respondent.

The respondent did not bother to contest the suit and controvert the allegations brought against him. There is nothing to disbelieve the unchallenged *ex-parte* evidence of the petitioner. At this stage no collusion is forthcoming. Marriage was solemnized on

03-05-2001 The instant suit was instituted on 04-03-2025 i.e., nearly about twenty-four years after marriage. The parties last resided together within the jurisdiction of this Court. So, there is no bar to grant the relief prayed for.

C. F. paid is sufficient.

Hence, it is

***Ordered***

that the suit be and the same is **decreed *ex-parte* u/s. 13(1)(ia) of the Hindu Marriage Act, 1955.** It is hereby ordered that **the marital tie between *Banasree Maity and Anit Maity* stands dissolved henceforth.**

There will be, however, no order as to cost.

Let the decree be drawn up accordingly.

The suit is thus disposed of.

Dictated & Corrected by me

Addl. Dist. Judge,  
1<sup>st</sup> Court, Paschim Medinipur

(Shri Pushpal Satpathi)  
Addl. Dist. Judge,  
1<sup>st</sup> Court, Paschim Medinipur