

**In the Court of Additional District Judge,  
3<sup>rd</sup> Court, Paschim Medinipur.**

**Present : Sri Manas Ranjan Sanyal  
(J.O Code No. WB 00666)  
Addl. Dist. Judge,  
3<sup>rd</sup> Court, Paschim Medinipur.**

**Matrimonial Suit No. 1069 of 2024  
CIS Registration No. 553 of 2024  
(CNR No. WBWM01-008058-2024)**

Smt. Mina Chalak ..... Petitioner/Wife.

V E R S U S

Sri Bishnu Chalak ..... Respondent/Husband.

Ld. Advocate for the Petitioner/Wife : Sri Debasis Mukherjee

**Order no. 19**

**Dated 15.05.2026.**

Today is fixed for exparte argument of the suit.

Ld. Advocate of the petitioner/wife is present by filing hazira.

Suit is proceeded exparte against respondent/husband vide order no. 05 dated 17.05.2025.

Ex-parte argument is heard in full.

The fact of the case is that petitioner/wife Smt. Mina Chalak filed this matrimonial suit praying for decree of divorce of her marriage with respondent Bishnu Chalak solemnized on 16.08.2016.

The petitioner's case is that she married the respondent on 16.08.2016 as per Hindu rites and customs. After few months of marriage her husband and father in law and mother in law started physical and mental torture for that several times Salis was made at the village level. Inspite of that the respondent on each and every night used to return home with intoxicated condition and started quarrel with the

petitioner, abused her with filthy languages and beaten her badly. The father in law and mother in law of the petitioner abated her to commit suicide by hanging, poisoning or burning. Out of their wedlock one female child was born and due to that the torture upon the petitioner increase and the respondent asked the petitioner to leave the matrimonial house with her child. After bearing all kind of mental and physical torture she tried to stay in her matrimonial house but on 31.08.2021 at 9 P.M. the respondent and her in laws brutally assaulted her. She was treated at Dey Para B.P.H.C. and she was driven out from her matrimonial home by snatching all her Stridhan property along with her minor child. Since then the respondent did not take any information and did not provide any maintenance to the petitioner and finding no other alternative the petitioner filed the instant matrimonial suit praying for decree of divorce against the respondent on the ground of cruelty and desertion.

The respondent/husband was served summons of this court but he did not appear and it was proceeded exparte.

It seems that respondent / husband is neither interested in his married life nor is interested towards all round development of her minor sons, who are in the custody of petitioner/wife. Record also shows that he has deserted his wife and there is no chances of reunion.

Petitioner/wife in order to prove her case examined herself as P.W. 1 and filed affidavit-in-chief reiterating the contents of the plaint in verbatim, which is not reproduced herein for the sake of brevity.

In her examination in chief she produced following documents:

The original Aadhar Card is marked as exhibit 1.

In order to prove her case, the petitioner/wife produced another witness Smt. Kabita Chalak as examined her as **P.W. 2** who in her affidavit-in-chief under Order 18 Rule 4 C.P.C. supported the case of petitioner.

From Exhibit-1 it is clearly established that petitioner and respondent are wife and husband. The evidence of petitioner/wife remained unchallenged, uncontroverted and unassailed. There is no reason to disbelieve the evidence of P.W-1 and P.W. 2. The respondent/husband chose not to defend the case after being served with the summon of this court and after having made appearance before the court through vokatnama. Subsequently he did not file written statement nor did defend the case. The petitioner/wife was driven out from her matrimonial home on **31.08.2021** and since then the respondent/husband has not attempted to restore the conjugal relationship. It seems that he is totally disinterested in his married life. Depriving wife from conjugal life is worst form of mental cruelty. One of the purposes of marriage is biological satisfaction i.e co-habitation putting it to an end permanently is amounting to be desertion. In this case it is the petitioner/wife who is deserted by the respondent/husband willfully.

This is the settled principle of law that if pleading of the petitioner/wife is not controverted and if the evidence of petitioner/wife is allowed to go unchallenged, the evidence of the petitioner/wife can be accepted as true.

The petitioner/wife has been able to prove her case within the parameter of principle of preponderance of probability. So, petitioner/wife is entitled to get decree as prayed for.

Court fee paid is correct.

Hence,

it is

**ordered :**

that the Matrimonial Suit 1069 of 2024 (C.I.S. No. 553 of 2024) filed by Smt. Mina Chalak against her husband Sri Bishnu Chalak under Section 13 of Hindu Marriage Act, 1955 is hereby allowed ex parte.

The marriage between the petitioner/wife namely Smt. Mina Chalak with respondent/husband namely Sri Bishnu Chalak solemnized on

16.08.2016 according to Hindu rites and customs is hereby dissolved by decree of divorce on the ground of mental cruelty and desertion.

The petitioner/wife is entitled to get decree of divorce.

Let decree of divorce be drawn accordingly.

Let a copy of this order be handed over to the petitioner/wife at once free of cost.

Dictated & corrected by me,

Addl. District Judge,

Addl. District Judge,  
3<sup>rd</sup> Court, Paschim Medinipur.