

**In the Court of Additional District Judge,
3rd Court, Paschim Medinipur.**

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

Matrimonial Suit No. 1279 of 2025
CIS Registration No. 696 of 2025
(CNR No. WBWM01-009822-2025)

Sri Suman Chattopadhyay ... Petitioner/Husband.

V E R S U S

Smt. Swagata Chakraborty Respondent/Wife.

Ld. Advocate for the Petitioner/Husband : Sri Sourav Ghosh

Order no. 11
Dated 29.06.2026.

Today is fixed for exparte argument of the suit.

Ld. Advocate of the petitioner/husband is present.

Suit is proceeded exparte against respondent/wife vide order no. 07 dated 24.03.2026.

Ex-parte argument is heard in full.

The petitioner/husband Sri Suman Chattopadhyay filed this matrimonial suit praying for decree of nullity of their marriage. The marriage between the petitioner and respondent was arranged marriage and their marriage was solemnized on 07.07.2025 under Special Marriage Act before the Marriage Registrar Safal Kumar Sar at Sanpur, Midnapur Sadar, Dist. Paschim Medinipur.

After registration of marriage the respondent and her family members stated that the petitioner has not well decorated room in his house and the respondent stated that she used to live in well

decorated house and so it is not possible for her to stay with the petitioner at his house. The respondent was requested several time over telephone to stay with the petitioner as husband and wife but the respondent never spent a single day with the petitioner as husband and wife. After registration petition talked with the respondent several time and after discussion petitioner realized that there is great difference in liking, thinking, attitude and choices in between the petitioner and the respondent. But the respondent flatly stated that it is not possible for her to change her attitude. After marriage the respondent never came to the house of the petitioner and their marriage has not been consummated due to willful refusal by the respondent. Finding no other alternative the petitioner filed this matrimonial suit praying for decree of nullity of his marriage.

The summons of this case was served upon the respondent. The respondent appeared and filed written statement and in the said written statement the respondent admitted that their marriage has not been consummated. Subsequently the respondent did not take steps and the suit proceeded exparte against the respondent on 24.03.2026.

It seems that respondent / wife is neither interested in her married life. Record also shows that she has refused to live with the petitioner as husband and wife and there is no chances of their reunion as the marriage has not been consummated.

Petitioner/husband in order to prove his case examined himself 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 his examination in chief he submitted his marriage certificate and his Aadhar Card which has been marked as Exhibit 1 and Exhibit 2 respectively.

The petitioner also examined one Avik Mangal Chattopadhyay as P.W. 2 who corroborated the petitioner's case.

The evidence of petitioner/husband remained unchallenged, uncontroverted and unassailed. There is no reason to disbelieve the evidence of P.W-1. The respondent/wife never lived with the petitioner as husband and wife and their marriage has not been consummated. It has been proved by the petitioner by unchallenged and corroborated oral testimony that the marriage between the petitioner and respondent was solemnized on 07.07.2025 but their marriage has never been consummated due to willful refusal by the respondent.

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

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

Court fee paid is correct.

Hence, it is

Ordered

that the Matrimonial Suit no. 1279 of 2025 (C.I.S. No. 696 of 2025) filed by Sri Suman Chattopadhyay against his wife Smt. Swagata Chakraborty under Section 25 of the Special Marriage Act is hereby allowed ex parte.

The marriage between the petitioner namely Sri Suman Chattopadhyay with respondent namely Smt. Swagata Chakraborty solemnized on 07.07.2025 according to Special Marriage Act is hereby dissolved by decree of nullity under Section 25(i) of Special Marriage Act.

The petitioner/husband is entitled to get decree of nullity of his marriage with the respondent under Section 25(i) of Special Marriage Act.

Let decree of nullity be drawn accordingly.

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

Dictated & corrected by me,

Addl. District Judge,

Addl. District Judge,
3rd Court, Paschim Medinipur.