

Sl. No.1
28.04.2026
Court no.7
sp

CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
CIVIL APPELLATE JURISDICTION
APPELLATE SIDE

FA 5 of 2026
Abhik Das
Versus
Smt. Ratna Bhadra

Mr. Subhasish Misra,
Mr. Satyajit Paul.

..for the appellant.

Mr. Rounak Ghosh.

..for the respondent.

1. Pursuant to hearing dated 22nd April, 2026, the respondent/wife has filed an affidavit before this Court. The same is taken on record.
2. The appeal is directed against ex parte judgment and decree dated 13th January, 2025 passed by the learned Additional District and Sessions Judge, Fast Track Court, Coochbehar. By the said order, MAT Suit No. 76 of 2024 filed by the husband against respondent/wife was dismissed on the ground of territorial jurisdiction.
3. Learned counsel for the parties are ad idem on the fact that the marriage was solemnized within the jurisdiction of the Trial Court and, therefore, the suit could not have been dismissed on the ground of territorial jurisdiction.
4. In course of hearing on the earlier date, learned counsel for the respondent/wife, who had not defended

the suit before the Trial Court has submitted that she is willing to submit to a decree for declaration as the marriage was null and void.

5. This Court had required the respondent/wife to file an affidavit to that effect. As already stated hereinabove, an affidavit has been filed by the respondent/wife before this Court today. Paragraphs 4 and 5 of the affidavit are set out hereinbelow;

4. That the respondent/defendant wife most respectfully submits that both the appellant/plaintiff and respondent/defendant upon gaining maturity and practical understanding of life have mutually and consciously decided to dissolve the said marriage.

5. That with regard to the prayer made by the appellant/plaintiff seeking a decree to declare the marriage between the appellant and the respondent as null and void, the respondent/defendant herein submits that she has no objection to the same being allowed. The respondent/defendant clarifies that this Hon'ble Court be pleased to grant the prayer for declaration of the marriage as a nullity, the respondent/defendant shall not contest or oppose the said relief.

6. In view of the averments, this Court is of the view that the cooling period for divorce by consent has been completed since the suit was filed in the year 2024 and the parties have been living separately since prior thereto.

7. In view of the averments made in the affidavit by the respondent/wife, set out hereinabove, this Court is of the view that the marriage between the appellant Abhik Das and the respondent Smt. Ratna Bhadra may be dissolved. The impugned judgment and decree dated

13th January, 2025 passed by the learned Additional District and Sessions Judge, Fast Track Court, Coochbehar in MAT Suit No. 76 of 2024, shall stand set aside.

8. There shall be a decree of divorce between the appellant and the respondent that shall take effect forthwith.
9. It is recorded that since no claim has been made towards any alimony from either side, no alimony is payable by any of the parties to the other.
10. Let the decree be drawn up expeditiously.
11. F.A. 5 of 2026 shall stand disposed of in terms of the aforesaid order.
12. There shall be no order as to costs.
13. All the parties shall act on the server copy of this order duly downloaded from the official website of this Court, on the usual undertaking.

(Rajasekhar Mantha, J.)

(Om Narayan Rai, J.)