

In the Court of Additional District Judge, 2nd Court, Lalbagh, Murshidabad

Present:- Sri Samyajit Mukhopadhyay
Additional District Judge-2nd Court,
Lalbagh, Murshidabad

Mat Suit No. 106-2017

Order No.08
dt 03-08-2018

Today is fixed for Exparte Hearing of the case.

The petitioner is present by filing hajira with the Ld. Advocate. Affidavit in chief is filed and she is examined as PW1. The marriage Certificate is filed by Firisti and same is marked as Exhibit -1.

The petitioner filed this case u/s 27 of Special Marriage Act showing interalia that she was married with respondent Utpal Biswas on 23.04.2013 . On the same date their marriage was registered under Special Marriage Act but their marriage has not been consummated or she did not led her conjugal life with the respondent though she tried her label best in this regard. Finding no other alternatives , she filed this case against the respondent on the prayer for divorce.

Respondent appeared by filing vakalatnama but subsequently he did not contest this case and accordingly, the case is running exparte against him. The petitioner in her evidence supported her case. The Marriage Certificate (Exhibit -1) shows that their marriage was registered on 23.04.2013 under Special Marriage Act. According to her, since after marriage she has been residing separately from her husband and their marriage has not been consummated. No contrary evidence is found and accordingly, there is nothing to disbelieve the fact as stated by petitioner. The petition is filed on 07.09.2017 i.e beyond the statutory period.

Under the above facts and circumstances of this case, I am of the view that the petitioner is entitled to get a decree of divorce against the respondent.

C.F paid is correct.

Hence, it is

ORDERED

that the suit be and the same is decreed Exparte against the respondent u/s 27 of Special Marriage Act. The petitioner do get a decree of divorce against the respondent/husband -Utpal Biswas . The marriage in between petitioner- Bhagabati Sarkar and the respondent- Utpal Biswas is hereby dissolved from this date of order.

D/C by me
ADJ

Addl. District Judge,
2nd Court, Lalbagh

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