

DISTRICT : NORTH 24-PARGANAS

**In the Court of Additional District Judge
Fast Track Court-IV, Barrackpore,
North 24 Parganas**

Present : Sri Tapas Kumar Mitra(WB00800),
Additional District Judge,
Fast Track Court-IV, Barrackpore,
North 24 Parganas

**Mat Suit No. 1306 of 2020
(CNR No. WBNP140015322020)**
(Sri Tapas Das -Vs- Smt. Shipra Paul nee Das)

Ld Lawyer for the Petitioner : Ali Haider Ansari

Application u/s. 12, Hindu Marriage Act, 1955

Later/Order no. 09 dated 16.09.2021

Today is fixed for order of this Suit on the basis of the Petition dated 01.10.2020, u/s. 12 of the Hindu Marriage Act, 1955 filed by the Petitioner Sri Tapas Das, S/o Late Paritosh Das of Natun Pally, 4th Lane, P.O. Talpukur, P.S. Titagarh, District-North 24 Parganas, Kolkata-700123 against the Respondent Smt. Shipra Paul nee Das W/o Tapas Das and D/o Gopal Chandra Paul of 91, New Nawapara (2), P.O. & P.S. Baranagar, Kolkata-700090 who was working as a Nurse/Sister at Sree Vishuda Nanda Hospital, 3-37, Burtolla Stree, 8 No. Adi Bans Tola Goli, Kolkata-700007.

The Petitioner's case in brief is that the Petitioner got married with the Respondent on 07.08.2020 as per Hindu Rites and Customs at a marriage house, namely, Milan Tithee at Baranagar.

After the said marriage, the Respondent came to her matrimonial home at Natun Pally, 4th Lane, P.O. Talpukur, P.S. Titagarh, District-North 24 Parganas, Kolkata-700123.

The Boubhat ceremony was held on 09.08.2020. After Boubhat ceremony, the Petitioner had been to the Phul Sajjya Bed and tried to sit beside the Respondent to gossip with her but the Respondent did not talk with him on the plea of her tiredness. Thereafter the Petitioner tried to touch her body but the Respondent did not allow to touch her body.

On the following day i.e. on 10.08.2020 the Petitioner informed the matter to her mother, sister and sister's husband.

Thereafter on 13.08.2020 the repondent informed the Petitioner that she is suffering from menstruation.

On 14.08.2021 the Petitioner and the Respondent went to 'Jore' ceremony. On that date, the Petitioner tried to consummate the marriage but the Respondent refused the same on the plea of her mensturation and on being frustrated the Petitioner returned home on 16.08.2020.

Thereafter on 23.08.2020, 24.08.2020, 26.08.2020 the Petitioner tried her level best to consummate the marriage but the Respondent did not allow the Petitioner to cohabit with the her.

On the contrary the Respondent said that she is incapable of consummate the marriage due to some physical problem.

On 30.08.2020 the Respondent left her matrimonial home and did not return.

Upon compelling circumstances, the Petitioner filed the instant suit under Section 12 b(ii) of the Hindu Marriage Act, 1955 before the Id Additional District Judge, 1st Court, Barrackpore which has been registered as Mat Suit No. 1306/2020 and in his turn, the Id Additional District Judge, 1st Court, Barrackpore has transferred this suit to this court for disposal.

After receiving the said suit, the notice of this suit was sent to the Respondent and the Respondent duly received the notice of this suit on 06.03.2021 but did not turn up before the court and as such, this court has fixed the date for ex parte hearing.

On the date of ex parte hearing, the Petitioner himself **Sri Tapas Das** deposed in this case as **Pw1** and he was discharged from this case.

I have perused the petition u/s. 12 of the Hindu Marriage Act, 1955, unchallenged testimony on behalf of the Petitioner and the case record.

I have heard the Id. Lawyer for the Petitioner.

I think there is no reason to disbelieve the unchallenged testimony on behalf of the Petitioner when it appears from the said evidence that the Petitioner has duly corroborated the plaint case.

Considering all aspects, I think the Petitioner has able to prove his case beyond any reasonable doubt and there is no legal impediment before the Court to declare the marriage between the Petitioner and the Respondent dated 07.08.2020 as null and void.

Hence ,
it is ,

ORDERED

that the Mat Suit be and the same is decreed on ex-parte in favour of the Petitioner Sri Tapas Das, S/o Late Paritosh Das of Natun Pally, 4th Lane, P.O. Talpukur, P.S. Titagarh, District-North 24 Parganas, Kolkata-700123 against the Respondent Smt. Shipra Paul nee Das W/o Tapas Das and D/o Gopal Chandra Paul of 91, New Nawapara (2), P.O. & P.S. Baranagar, Kolkata-700090 who was working as a Nurse/Sister at Sree Vishuda Nanda Hospital, 3-37, Burtolla Stree, 8 No. Adi Bans Tola Goli, Kolkata-700007.

The marital tie between the Petitioner and the Respondent dated 07.08.2020 as per Hindu Rites and Customs is declared as null and void and not binding upon the parties as per the provision of Section 12 of the Hindu Marriage Act, 1955.

No order as to costs.

Note it in the Trial Register.

Dictated & Corrected by me

ADJ, FTC-IV, Barrackpore,
North 24 Parganas

(Tapas Kumar Mitra)
Additional District Judge,
Fast Track Court-IV, Barrackpore,
North 24 Parganas