08.10.2026
Ct. No. 7
SL No.31
pk

CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI

FAT 20 of 2025

Sri Shyamal Barman
Vs.
Smt. Lipi Barman

Mr. Arijit Ghosh,
Ms. Angana Rakshit,
Ms. Avisikta Das
… for the appellant.

1. Affidavit of service indicates that the respondent has refused to accept postal articles. This constitutes good service.

2. The appeal is directed against a judgment and order dated 4th June, 2025 passed by the learned Additional District and Sessions Judge, Mathabhanga, Coochbehar in Mat Suit No. 147 of 2024.

3. By the impugned order the prayer for a decree of divorce under Section 13(1) (ia) of the Hindu Marriage Act has been dismissed.

4. The brief facts relevant to the case are that marriage was solemnized between the appellant and respondent on 14th July, 2023. Since after marriage the appellant and the respondent started to reside as husband and wife and the marriage was duly consummated. There is no issue born out of their wedlock.

5. On 10th March, 2023 within three months of marriage the respondent/wife left the matrimonial

house without informing the appellant/husband. Repeated attempts by the appellant and his relatives to bring the respondent/wife to home had failed. The wife refused to live with the appellant.

6. Before the trial court, the appellant/husband examined himself as PW-1. PW-2 was an uncle of the appellant. The respondent wife did not contest the suit before the Trial Court. The suit was taken up for ex parte hearing. No written statement was filed by the respondent wife.

7. The Trial Judge however found that there was no proof of cruelty on the appellant by the respondent and dismissed the suit.

8. This Court notices that the parties have been living separately from March 2023 till date. The respondent has refused to come back to the matrimonial house after three months of marriage. This itself amounts to cruelty on the appellant husband. The respondent wife has not chosen to appear before this Court, despite due service.

9. In the light of the above, this Court is of the view that the respondent/wife not having bothered to contest the suit, has no interest in continuing the marriage any further. The Trial Judge should have decreed the suit in question.

10. In the backdrop of the discussions made hereinabove, this Court is of the view that the marriage between the appellant and the

respondent has irretrievably broken down. There shall therefore be a decree of divorce between the appellant, Shyamal Baraman and respondent, Lipi Barman.

11. Let a decree be drawn up expeditiously by the Registry of this Court.

12. Accordingly impugned order and judgment shall stand set aside.

13. Hence, FAT 20 of 2025 is allowed and disposed of.

14. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)

(Reetobroto Kumar Mitra, J.)