

**HIGH COURT OF TRIPURA  
AGARTALA**

**MAT. APP.NO.20 OF 2025**

**Shri Jayanta Bhowmik,**  
S/o Anil Kanti Bhowmik, aged about 43 years,  
Resident of East Badharghat, P.O. Dukli,  
Madhuban-799003, P.S. Amtali, District-West Tripura.

--- Appellant.

**Versus**

**Smt. Pinki Bhowmik,** w/o Sri Jayanta Bhowmik,  
Daughter of Sri Jugal Kishore Bhowmik,  
Resident of Nalgaria, Ranirbazar, P.O. + P.S. Ranirbazar,  
District-West Tripura.

--- Respondent.

**BEFORE**

**HON'BLE THE CHIEF JUSTICE MR. M.S. RAMACHANDRA RAO  
HON'BLE MR. JUSTICE S. DATTA PURKAYASTHA**

For the Appellant : Mr. Soumyadeep Saha, Advocate.

For the Respondent : None.

Date of hearing : 24.09.2025

Date of delivery of Judgment and Order: **18.11.2025**

Whether fit for reporting : 

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| YES | NO |
|     | ✓  |

**JUDGMENT AND ORDER**

**(S. Datta Purkayastha,J)**

We have heard Mr. Soumyadeep Saha, learned counsel for the appellant, at length. The appellant has also placed copies of the evidence recorded in connection with this case in the record of this appeal.

2. This appeal has been preferred against the judgment, passed on 31.05.2025 by the learned Additional Judge, Family Court, Agartala, West Tripura in T.S.(Divorce) 504 of 2022 and the related decree thereof, whereby

the petition of the appellant-petitioner-husband for decree of divorce, presented on the ground of cruelty, was dismissed.

3. The marriage between the parties was solemnized on 01.05.2006 observing the Hindu rites and custom as prevailing amongst the parties, and thereafter, the respondent followed the appellant to his house. The grievance of the appellant is that after such marriage, the respondent-wife started treating him with cruelty by causing mental torture on him. His widowed mother was residing with him and the respondent created pressure upon him to get her separated from his family. Meanwhile, on 13.05.2007, they were blessed with a girl child. After birth of the child, his mother-in-law started visiting his house frequently and she would also instigate the respondent to get her separated from her mother-in-law.

4. It is further alleged that the mental torture of the respondent upon the appellant was increasing day by day and ultimately, on 18.06.2007, the respondent left her matrimonial home with her baby without any reason and since then, she has been residing in her paternal house with her daughter. It is also claimed by the appellant that on several occasions, he requested the respondent to join him back but she did not respond. One conciliation meeting was also initiated in the house of the respondent in presence of one Swapna Datta and another Bijoy Ghosh but the same also could not yield any positive result from the side of the respondent regarding resumption of her conjugal life.

5. Therefore, being compelled, in the year 2014, he filed one petition for restitution of conjugal rights under Section 9 of the Hindu Marriage Act which was ultimately dismissed. Meanwhile, the respondent filed petitions in that Court against the appellant; firstly claiming maintenance and subsequently

again claiming an enhanced amount of maintenance. This way, the marital bond between the parties has broken irretrievably without having any chance of repair and, therefore, the petition for divorce has been filed.

6. The wife-respondent, however, contended through her pleadings that despite Rs.75,000/- being paid to the appellant at the time of marriage by her father, the appellant again demanded money and he would torture her pressing such demand after consuming alcohol. It is also pleaded that even on 02.06.2007, he tried to kill her on demand of such money and, therefore, she was compelled to leave his house though she was always willing to resume her conjugal life. She also clearly denied the allegation that she was pursuing the husband-appellant to get him separated from his mother.

7. Learned counsel, Mr. Saha for the appellant submits that the parties have been separated for a long period and there is no chance of their reunion. Moreover, the respondent is not at all willing to join the appellant. For a long period of 18 years or so, the appellant has been suffering mentally at the instance of the respondent and, therefore, the learned trial Court ought to have granted the decree of divorce, taking into consideration the materials placed in the evidence. According to learned counsel, learned trial Court has failed to appreciate the evidence led on behalf of the appellant.

8. We have gone through the evidence as adduced by the parties in the divorce proceeding. The appellant examined himself in this case as PW-1 and also examined three other witnesses on his behalf, namely, Sajal Debnath as PW-2, Indrajit Saha as PW-3, and Biswajit Banik as PW-4, respectively. The respondent, on the other hand, examined herself as DW-1 and her father, Sri Jugal Kishore Bhoumik, as DW-2 on her behalf. It appears that the earlier petition for restitution of conjugal rights, bearing No. TS (RCR) 231/2014, was

filed by the appellant with the similar allegations that the respondent was insisting him to live separately from his widowed mother and with the further allegation that the respondent even would beat him, being instigated by her mother, and finally, she left his residence on 18.06.2007. The facts of the reconciliation meeting held in the house of the respondent in presence of said Swapna Datta and Bijoy Ghosh and the filing of a case claiming maintenance by the respondent were also asserted in that previous proceeding. But, in that case, the appellant refrained from appearing in the dock as a witness; rather, he got his brother-in-law examined on his behalf. Ultimately, on consideration of the evidence of the appellant and also the evidence adduced from the side of respondent, the learned Addl. Judge, Family Court, rejected the said petition for restitution of conjugal rights. Learned Court below observed that said Swapna Datta and Bijoy Ghosh were not examined in that case. More so, he himself also remained aloof from appearing as a witness of that case. On the other hand, the evidence of the respondent and her witness regarding her allegation of torture committed on her on demand of dowry remained un-rebutted.

9. Therefore, what emerges now is that the similar pleas taken in this divorce proceeding by the appellant were also taken by him in the previous proceeding and learned trial Court declined to accept the same and the decision of the Court on those asserted facts has attained finality. After disposal of that case on 07.02.2018, no new grounds have been brought on record by the appellant to support his instant prayer for divorce.

10. The appellant in his evidence in the present proceeding also repeated the same story that mental torture was caused upon him by the

respondent instigating him to be separated from his old-aged mother who is a sick lady and nothing more. Even if such an assertion is accepted to be true, thereafter also the appellant continued to reside and cohabit with the respondent and therefore, out of their wedlock one girl child was born in the year 2007. Such alleged acts of the respondent thus appear to have been condoned by him. Only in the year 2014, he filed the case for restitution of conjugal rights which was also rejected. Moreover, no specific incident of mental or physical torture has also adduced by him in evidence to justify his claim. Mere omnibus statements that the respondent committed cruelty on him are not sufficient to justify his claim for a decree of divorce. The other witnesses have also not deposed anything that they directly witnessed any sort of such incident of cruelty or torture committed by the respondent on the appellant. Therefore, according to us, the learned trial Court has rightly dismissed the petition of the appellant for a decree of divorce and we find no valid ground to entertain this appeal too. Consequently, the appeal is dismissed.

11. Registry is to prepare decree accordingly and supply a copy of this judgment and decree to the parties free of cost.

A copy of this judgment and decree may be sent to the respondent by registered post with A.D.

Interim application(s), if any, shall also stand disposed of.

**(S. DATTA PURKAYASTHA, J) (M.S.RAMACHANDRA RAO, CJ)**