

Court No. 6
(265719)

02.09.2026
(AD 204)
(S. Banerjee)

CO 1438 of 2026

Prasenjit Bose
Vs.
Payel Gupta

Ms. Arpita Paul Biswas
Mr. Buddhadeb Chatterjee

...for the petitioner

Mr. Amitabha Ghosh

...for the opposite-party

This application under Article 227 of the Constitution of India is at the instance of the husband and is directed against the order being no. 11 dated September 1, 2025 passed by the learned Additional District Judge, 1st Court at Howrah in Matrimonial Suit No. 1005 of 2024. By the order impugned, the application under Order 12 Rule 6 of the Civil Procedure Code, stood rejected.

Learned advocate appearing for the petitioner submits that it has been specifically alleged in the application under Section 25 of the Hindu Marriage Act that the marriage has never been consummated at any point of time and for such reason the marriage between the parties be declared void and nullity. She further submits that the opposite-party herein in her written statement also admitted the fact that the marriage has also not been consummated at any point of time.

Learned advocate appearing for the opposite party does not dispute such fact.

After going through the order impugned, this Court finds that the learned trial judge proceeded on the basis that there has been no admission on the point of non-consummation of marriage.

Since both the parties admit that there was no consummation of marriage and the learned advocates for the respective parties refer to their pleadings in support of their submission, this Court is inclined to interfere with the order impugned.

Accordingly the order impugned is set aside. The application under Order 12 Rule 6 of the Civil Procedure Code is restored to the file of the learned Additional District Judge, 1st Court at Howrah.

The learned Additional District Judge, 1st Court at Howrah is requested to fix a date of hearing of the application under Order 12 Rule 6 of the Civil Procedure Code and dispose of the same as expeditiously as possible after affording an opportunity of hearing to the respective parties.

With the above observations and directions, this civil revision application stands disposed of.

(Hiranmay Bhattacharyya, J.)