

16.5.2025
SL No.34
Court No.1
(tk)

**Calcutta High Court
In The Circuit Bench at Jalpaiguri
Civil Appellate Jurisdiction**

FA/2/2023

Pradip Kumar Ray
-vs-
Rekha Ray

Mr. S. Mandal,
Mr. A. Saha,
... for appellant.

1. The instant appeal is directed against the judgment and order dated November 19, 2022, passed by the Additional District Judge, Fast Track Court, Siliguri, in Matrimonial Suit No.305(7)/2018.
2. By the impugned judgment, the prayer for dissolution of marriage by divorce under section 13(ib) of the Hindu Marriage Act was rejected. The Court found that the appellant was living under the same roof with his wife until July 2018.
3. Even in the evidence-in-chief filed by the husband, there is no averment that the wife has deserted the husband. On the contrary, it is the appellant who has chosen to live separately.

4. In view of the aforesaid circumstances, the prayer for divorce on the ground of desertion has been rightly rejected by the learned Trial Court.
5. In those circumstances, the impugned judgment dated November 19, 2022 calls for no interference.
6. Accordingly, FA/2/2023, arising out of Matrimonial Suit No.305(7)/2018, stands dismissed.

(Rajasekhar Mantha, J.)

(Ajay Kumar Gupta, J.)