

**SUPREME COURT OF BANGLADESH
HIGH COURT DIVISION
(Statutory Matrimonial Jurisdiction)**

Present:

Mr. Justice Sikder Mahmudur Razi

Divorce Suit No. 01 of 2026

In the matter of:

Toma Leena Bairagee, Daughter of Dr. Robert B. Bairagee, Address: Adventist Home, House No. 18, Block-F, Road No. 7, Mirpur-2, Dhaka-1216.

...Plaintiff

-Versus-

Edson Okay Falia, Son of Pastor Uile Gamaliel Falia, Address: Bangladesh Adventist Union Mission, 149 Shah Ali Bagh, Mirpur-1, Dhaka-1216.

...Defendant

Mr. Shajib Mohammad Alam, Advocate

.....For the Plaintiff.

No one appears

.....For the Defendant.

Heard on: 12.05.2026

And

Judgment on: 19.05.2026

JUDGMENT

This is a suit for dissolution of marriage under Section 10 of the Divorce Act, 1869.

The plaintiff, Toma Lina Bairagee, instituted the present suit seeking a decree for dissolution of her marriage with her husband, the defendant, Edson Okay Falia.

In the plaint, the plaintiff stated that both parties are Christians (Adventist) by faith. Their marriage was solemnized and registered before the Notary Public, Bangladesh on 22.08.2010 through family arrangements. Thereafter, they being Adventist Christianity faith moved to Philippines for further religious rituals before the Pastor Rex M. Mangiliman which was also performed accordingly and the authority issued Affirmation of Vows Certificated on 08.05.2011. Two daughters were born out of the wedlock.

The plaintiff further stated that ever since the beginning of the marriage, the respondent never performed his spousal responsibilities and never provided any maintenance to the petitioner. After a few years of marriage, the plaintiff found that the defendant became accustomed to an uncontrolled lifestyle and became involved in illicit relationships with several women and continued to commit adultery. The petitioner also has in her possession videographic evidence of the respondent's illicit activities. Despite repeated efforts, the plaintiff was unable to persuade him to discontinue such immoral relationships. As a result of the defendant's immoral conduct and the consequent loss of mutual trust and confidence between the parties, the plaintiff was compelled to discuss the matter with the defendant and ultimately decided to seek dissolution of the marriage. Accordingly, she instituted this Divorce Suit praying for a decree of divorce and an order dissolving the marriage.

The plaintiff also stated that no collusion exists between the parties for obtaining a decree in this suit and that she has filed the suit voluntarily, without inducement or coercion from any person. She further stated that unless the marriage is dissolved, her life would become miserable.

The summons of the suit was duly served upon the defendant. Although the matter appeared in the daily cause list on 12.03.2026, 04.05.2026 and 12.05.2026, the defendant did not appear and did not contest the suit.

On 04.05.2026, the plaintiff testified as P.W.1 and identified the original Marriage Certificate (Exhibit-1 and 1(Ka)). Photocopies of the text messages and photographs have also been annexed with the petition as Annexure- C & C-1. Thereafter, Mr. Shajib Mohammad Alam, learned Advocate for the plaintiff, advanced his argument. The matter was then fixed for judgment.

I have heard the learned Advocate for the plaintiff and carefully examined the exhibits and other materials on record.

From Exhibited documents and the testimony of the plaintiff, it appears that the plaintiff/petitioner and the defendant/respondent, being Christians, lawfully contracted and registered their marriage at first on 22.08.2010 in Bangladesh. Thereafter as per religious rituals some other formalities was performed in Philippines and Pastor Rex M. Mangiliman also issued an Affirmation of Vows Certificate of the marriage on 08.05.2011. Both the documents have been marked as Exhibit-1 and 1(Ka). Thereafter, the parties lived together as husband and wife.

The plaintiff testified that soon after the marriage the defendant started to live unregulated life and after few years, she found that the defendant became involved in extramarital affairs and committed adultery while the marital relationship with the plaintiff was still subsisting. The

plaintiff also placed some text messages and photographs before the court which has been annexed with the main petition. Upon learning of these matters, the plaintiff gave the defendant opportunities to reform and made various efforts to preserve the marriage. However, the defendant continued his unlawful relationships and eventually refrained from discharging his marital obligations faithfully. Consequently, the relationship between the parties deteriorated to an extreme level, rendering their lives miserable.

The defendant did not file any written statement or response to contest the allegations made by the plaintiff. Upon consideration of the oral evidence, documentary evidence and materials on record, this Court is satisfied that the defendant engaged in extramarital relationships and adultery during the subsistence of the marriage and that the plaintiff has successfully proved those allegations.

Accordingly, there exists no legal impediment to granting a decree for dissolution of the marriage between the plaintiff and the defendant.

The Court-fee paid in the suit is found to be correct.

Hence, it is ordered that:

The marriage between the plaintiff/petitioner and the defendant/respondent is hereby dissolved as prayed for in the suit. From this day forward, the plaintiff and the defendant shall no longer be regarded as husband and wife.

It is, however, noted that under Section 16 of the Divorce Act, 1869, the present decree shall, in the first instance, be deemed a decree nisi and

shall not become absolute until the expiration of six (6) months from the date hereof.

Any person shall be at liberty, within the said period of six (6) months, to show cause why this decree should not be made absolute on the ground of collusion between the parties or on the ground that material facts were not brought before the Court.

If no such cause is shown within the aforesaid period, the plaintiff shall, within one month thereafter, file an appropriate application before this Court praying that the decree nisi be made absolute.

There shall be no order as to costs.

(Sikder Mahmudur Razi, J:)