

Item 13. 25-07-2022

sg Ct. 8

FA 61 of 2021
CAN 1 of 2021
CAN 2 of 2021
CAN 3 of 2021

Krishna Chakraborty
Versus
Subhankar Chakraborty

Mr. Asok Kr. Bhattacharyya, Adv.
Mr. Sanjib Kr. Mukherjee, Adv.
Ms. Aparupa Bhattacharya, Adv.
...for the appellant

The appeal is arising out of a judgment and decree dated 23rd December, 2020. The applications have been filed in connection with the said appeal. It appears from the impugned order that at the invitation of the parties and on an application filed by the parties, a decree for mutual divorce was granted on 23rd December, 2020.

The learned Trial Judge has recorded that in spite of his pursuance for reconciliation, the parties were not willing to live together any more. It was on such basis, the suit was decreed on mutual consent.

This application has been filed with a plea that the wife did not understand the implication of such petition or the effect of the said order. Even if we assume that the said order was obtained by fraud or by any unfair means or that there has been incorrect recording in the order dated 23rd December, 2020, the Code of Civil Procedure provides appropriate relief in such cases. There are appropriate procedures that are required to be taken for recalling of such order. The appellant has not filed any application

before the learned Trial Judge disputing that the recording of facts in the said order are incorrect or inaccurate. The depositions of the parties were taken by the learned Trial Judge before decreeing the suit on mutual consent.

On such consideration, we are unable to allow this appeal. The appeal fails.

However, dismissal of the appeal shall not preclude the appellant to take appropriate steps in accordance with law.

The application are accordingly, dismissed.

(Siddhartha Roy Chowdhury, J.)

(Soumen Sen, J.)