

Item-11. 05-12-2022

FAT 127 of 2022
CAN 1 of 2022

sg

Ct. 8

Nirmal Dey
Versus
Tanaya Dey nee Mitra

Mr. Ayan Kumar Boral, Adv.
Mr. Sayantan Das, Adv.
...for the appellant

Mr. Chittapriya Ghosh, Adv.
...for the respondent

The appeal is arising out of a decree dated 17th February, 2022 in a Matrimonial Suit No. 492 of 2020.

The appellant filed a suit for divorce on the ground of cruelty and adultery. The persons, who could have proved adultery, were not even called as witness. The allegation of cruelty is based on the ill behaviour and ill treatment of the respondent towards mother-in-law, sister and sister's son of the plaintiff. They were not called as witness. The allegation could not be proved. In our view, the learned Additional District and Sessions Judge, Baruipur, South 24 Parganas has rightly dismissed the suit as the allegations were not proved.

The appeal stands dismissed. However, there shall be no order as to costs.

In view of dismissal of the appeal, there is no need to pass any order in CAN 1 of 2022.

CAN 1 of 2022 is, accordingly, disposed of.

(Uday Kumar, J.)

(Soumen Sen, J.)