

14.11.2022
SL No.13
Court No.8
(gc)

**FMAT 399 of 2022
CAN 1 of 2022**

**Mrs. Nilanjana Sinha
Vs.
Mr. Amit Saha**

Mr. Sarosij Dasgupta,
Mr. Steven S. Biswas,
Mr. Kaushik Hiran Bhadra,
...for the Appellant/Petitioner.
Ms. Gulsanwara Pervin,
Mr. Arka Ranjan Bhattacharyya,
...for the Respondent.

By consent of the parties, the appeal and the application are treated as on the day's list and disposed of by this common order.

The appellant is the wife of the respondent. The custody issue of the child appears to have been disposed of on compromise. The applicant alleged that the consent order was obtained by practicing fraud and misrepresentation. The learned Trial Judge recorded in the impugned order that the disputes between the parties have been amicably settled and the parties have filed a joint petition for withdrawal of the application (wrongly mentioned as "suit") in terms of the settlement arrived at between the parties. No appeal lies against the consent order. The remedy of the parties lies in approaching the Court concerned that had disposed of the matter on compromise and raise all the objections that are now being raised as we are of the view that the said Court is only competent to decide the said issue. On such

consideration, we are not admitting the appeal and the connected application.

With the aforesaid observation, the appeal and the connected application stand disposed of with a liberty to the appellant to approach the learned Trial Judge with the self-same relief.

In the event such application is filed, the learned Trial Judge is requested to consider the said application and disposed of the said application on merits.

It is made clear that we have not gone into the merits of the matter.

Urgent Photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Uday Kumar, J.)

(Soumen Sen, J.)