

09. 20.06.2022  
Ct. No.08  
Tanmoy

**F.A. 278 of 2010**

**Namita Biswas**  
**-Versus-**  
**Tapan Kumar Biswas**

Mr. Abhimanya Banerjee, Adv.

...for the appellant.

The parties are personally present before us. Learned Counsel for the wife submits that the marriage has become unworkable; mutually dead; beyond salvage and broken down irretrievably.

The husband submits that his learned Advocate, Mrs. Sujata Das, is presently indisposed. However, he accepts the submission made on behalf of the wife. Both the parties are agreed to file an application for mutual divorce before the learned District Judge, Malda. It is submitted that they have also entered into an agreement to resolve their matrimonial disputes and the husband is agreeable to pay permanent alimony in terms of the agreement arrived at between the parties. It is further submitted that the agreement entered into between the parties have been given effect to and the husband has paid a sum of Rs.15,00,000/- (Rupees Fifteen Lakh) out of Rs.25,00,000/- (Rupees Twenty Five Lakh) as mutually agreed between the parties.

Learned Counsel for the wife submits that in view of such settlement, the wife is not willing to proceed with the merits of this appeal. In view of the appellant accepting the order passed by the learned trial Court and having accepted Rs.15,00,000/- (Rupees Fifteen Lakh) out of Rs.25,00,000/- (Rupees Twenty Five Lakh) as permanent alimony, the appeal is disposed of by directing the husband to pay Rs.25,00,000/-(Rupees Twenty Five Lakh) out of which Rs.15,00,000/- (Rupees Fifteen Lakh) have already been paid in terms of the settlement arrived at between the parties on April 19, 2022.

The original Memorandum of Understanding dated April 19, 2022, duly signed by the parties and their respective Attorneys are taken on record. The parties shall be at liberty to obtain certified copies of the said Memorandum of Understanding from the department concerned.

The appeal being F.A. 278 of 2010 stands disposed of.

However, there will be no order as to costs.

Let urgent Photostat certified copies of this order, if applied for, be made available to the parties upon compliance with all necessary formalities.

**(Siddhartha Roy Chowdhury, J.)**

**(Soumen Sen, J.)**