

04 27.02.2023

FA 66 of 2017

Ct-08

**Sri Amlan Kishore Ghosh
Vs.
Smt. Saheli Ghosh**

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Mrs. Shohini Chakrabarty
Miss. Prajaaini Das
... For the Appellant

Ms. Sananda Ganguli
Mr. Shubradip Roy
... For the Respondent

Learned counsel appearing for the parties have submitted that an application under Section 13B of the Hindu Marriage Act, 1955 has been filed before the learned District Judge for dissolution of marriage on mutual consent and the said application was allowed on 10th February, 2023, however, the said order is yet to be signed.

It is submitted that the respondent has withdrawn the criminal proceeding against the husband and it is also submitted by the parties that none of the parties have any case/claim against each other.

Mrs. Shohini Chakrabarty, learned counsel appearing for the appellant, has produced before us a copy of the order dated 6th February, 2023 wherefrom it appears that the Misc. Case No. 232 of 2018 and Mat Suit No. 26 of 2017 have been withdrawn. The revisional application being CO 10 of 2021 filed by the husband was also withdrawn on 9th February, 2023.

The Photostat copy of the order passed by 6th Judicial Magistrate, Alipore, South 24 Parganas in BGR case no. 2096 of 2002 in connection with 498A/34 I.P.C is taken on record.

In view of the aforesaid, the impugned order is set aside. It is recorded that the application for mutual divorce has been finally heard on 10th February, 2023 by the learned District Judge awaiting order.

In view thereof, FA 66 of 2017 is accordingly disposed of.

There will be no order as to costs.

(Uday Kumar ,J.)

(Soumen Sen, J.)

