

16.01.2023
SL No.13
Court No.8
(gc)

**FA 51 of 2022
CAN 2 of 2022**

**Smt. Subhra Mallick
Vs.
Sri Chandra Sekhar Mallick**

Ms. Jayeta Kaunda Mitra,
Ms. Anamika Chatterjee,
Mr. Bibek Dey,
Mr. Syed Neaz Ahemd
...for the Appellant.
Mr. Kishore Mukherjee,
...for the Respondent.

The learned Counsel for the parties have produced before us the order dated 21.12.2022 passed by the learned District Judge, North 24-Parganas, Barasat in connection with an application under Section 13B of the Hindu Marriage Act whereby the marriage between the parties was dissolved with effect from the date of the said order.

The learned Counsel for the appellant has submitted that the original bank draft of Rs.12,00,000/- (Rupees Twelve Lakhs) issued in the name of the appellant could not be encashed as the Punjab and Sind Bank, Kolkata Birati Branch, Kolkata has refused to accept the said demand draft due to the following description of the account of the appellant: -

“SUVRA MALLICK (MAZUMDER)W/F CHANDRASEKHARMALLICK”

In view of the change of the status now, the said description would be incorrect. However, at the time

when the cheque was drawn, the relationship continued. There cannot be any dispute that Suvra Mallick (Mazumder) is the beneficiary of the said amount and, accordingly, we direct the Manager, Punjab and Sind Bank, Kolkata Birati Branch, Kolkata to accept the said demand draft and credit the proceeds thereof in favour of the Account No.08461000502841.

We direct the Manager, Punjab National Bank, Southsinthee (Kolkata) to permit encashment of the demand draft being No.369793 dated 14th December, 2022 for a sum of Rs.12,00,000/- (Rupees Twelve Lakhs only) once it is forwarded by the Punjab and Sind Bank. We also direct the Manager, Punjab and Sind Bank to accept the said demand draft and forward it to the Manager, Punjab National Bank, Southsinthee (Kolkata) for encashment.

A photocopy of the demand draft being No.369793 dated 14th December, 2022 for a sum of Rs.12,00,000/- (Rupees Twelve Lakhs only) is kept with the record.

In view of the order dated 21.12.2022, the impugned order is set aside.

The appeal is disposed of by recording that the parties have mutually dissolved their marriage with effect from 21.12.2022.

In view of disposal of the appeal, the application is also disposed of.

The Manager, Punjab National Bank, Southsinthee (Kolkata) and the Manager, Punjab and Sind Bank, Kolkata Birati Branch, Kolkata are directed to act in terms of this order.

Liberty to apply in the event any difficulty is faced with regard to the encashment of the demand draft.

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

(Uday Kumar, J.)

(Soumen Sen, J.)