

11.05.2023
SL No.3
Court No.8
(gc)

**FA 79 of 2015
CAN 2 of 2022**

**Utpala Biswas
Vs.
Jayanta Kumar Biswas**

Ms. Kakali Samajpaty,
Mr. Pramit Chakraborty,
Mr. Subhronil Ray,
...for the Appellant.
Mr. Surya Prasad Chattopadhyay,
Mr. Arjun Samanta,
Mr. Ankit Chatterjee,
...for the Respondent.

During the pendency of the appeal, the parties have filed an application for mutual divorce and it appears that the learned Additional District Judge, 1st Court, Krishnagar, Nadia allowed the application filed under Section 13B of the Hindu Marriage Act for Divorce on 6th May, 2023.

In view of the aforesaid, the impugned order is set aside.

The appeal and the application stand disposed of by recording that the marriage between the parties was dissolved by a decree of divorce on mutual consent on 6th May, 2023.

The order dated 6th May, 2023 is kept with the record.

Ms. Kakali Samajpaty, learned Advocate representing the appellant submits that in view of the settlement arrived at between the parties, the appellant

shall not pursue the proceeding under Section 125 of the Cr.P.C. and the proceeding initiated under Section 494 I.P.C. before the learned Judicial Magistrate, Tehatta, Nadia.

The appellant shall be at liberty to encash 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.)