

S/L No. 714
15.05.2023
Ct-237
(Rup)

C.O. 1285 of 2023

**Deepak Kumar
Vs
Chandni Biswas**

Mr. Pijus Kanti Khanra,
Mr. Uttam Banerjee,
Mr. Somnath Khanra,
Mr. Washim Akthir Dafader.

.... For the petitioner.

Mr. Sauradeep Dutta.

... For the opposite party/wife.

This revisional application has been filed challenging the Order No.4 dated 01.04.2023 in connection with Mat Suit No.207 of 2023 passed by the learned Additional District Judge, 6th Fast Track Court, Alipore, 24 Parganas (South) whereby learned Judge refused the prayer for dissolution of marriage on mutual consent under Section 28 of the Special Marriage Act without waving cooling off period of six months.

Both the parties to this revisional application i.e. husband and wife are present before this court and on being asked both of them have submitted their staying apart for more than a year and there are no other proceeding pending between the parties. On query of this court they further submitted that they have no

child and no claim was made by the wife and also leaving no chance of reunion.

Learned advocates supporting the divorce on mutual consent relied on case of ***Shilpa Sailesh vs. Varun Sreenivasan (reported in (2016)16 Supreme Cases 352)***. It is submitted that cooling off period has almost exhausted and every effort has been made to salvage the marriage but there no possibility of reunion.

It is on record that parties attended mediation but failed.

On careful perusal of all documents as well as submission of both parties, I find that there is hardly any scope for reunion of the parties and cooling off of period of six months has **almost exhausted**.

In these facts and circumstances, I find no reason to disallow the prayer for dissolution of marriage, which has already been broken down irretrievably on account of irreconcilable differences that the divorce is inevitable and in these circumstances cooling off period of six months will give rise to further misery on pain without any gain and benefit.

In the aforesaid view of the matter, the marriage between Deepak Kumar and Chandni Biswas be dissolved from this date.

Learned Trial Judge will pass consequential order.

With the aforesaid observation, the revisional application stands disposed of.

All the parties shall act on the server copy of this order duly downloaded from the official web site of this Court.

(Bibhas Ranjan De)