

SL-1&2. 17-01-2023
sg Ct. 8

FA 204 of 2022
CAN 1 of 2022
CAN 2 of 2022
CAN 3 of 2023

Kumud Deb Somani
Versus
Sambhu Deb

With

FAT 329 of 2022
CAN 1 of 2022
CAN 2 of 2022
CAN 3 of 2023
CAN 4 of 2023

Kumud Deb Somani
Versus
Sambhu Deb

Mr. Amitabha Ghosh, Adv.
Ms. Nabanita Chatterjee, Adv.
...for the appellant

Mr. Amit Kumar Raidani, Adv.
...for the respondent

CAN 3 of 2023 and CAN 4 of 2023 are listed in the supplementary list published today and are taken up for hearing along with the appeals by consent of the parties.

During the pendency of the appeal, the parties were sent to mediation. In the course of mediation, the parties have agreed to settle their disputes.

The parties have filed two separate petitions. CAN 3 of 2023 is the petition for recording the terms of settlement and CAN 4 of 2023 is the application for dissolution of marriage on mutual consent on the basis of the terms of settlement and for passing a decree of divorce on mutual consent and for disposal of the appeal on the basis of the terms of settlement arrived at between the

parties before the learned Mediator, wherefrom it appears that the parties with free will and mind have agreed to arrive at an amicable settlement in the mediation. The settlement agreement has been drawn and approved in terms of Rule 24(1) and (2) of the Civil Procedure – Alternative Dispute Resolution & Mediation Rules, 2006. The agreement is lawful. The parties and their respective attorneys have signed the original terms of settlement.

Both the parties have deposed before us that the marriage has now become unworkable and at their free will and volition, the plaintiff decided to dissolve their marriage without having any ill feeling against each other.

The evidences of both the parties are recorded separately and form part of this order.

In view of the aforesaid, CAN 3 of 2023 and CAN 4 of 2023 are allowed.

The marriage solemnised between the parties on 15th January, 2009 stands dissolved on and from this date.

A copy of the order shall be communicated to the Marriage Officer of the District for information and record.

In terms of the settlement, the custody of the child will be with the mother with visitation right of the father.

(Uday Kumar, J.)

(Soumen Sen, J.)