

07.05.2024
TUESDAY

Court : 04
Item : 02
Matter : FAT
Status : ALLOWED
Bench ID : 266176
Transcriber : NANDY

**IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
APPELLATE SIDE**

**FAT 92 of 2021
with
CAN 1 of 2021**

**Prasanta Kumar Ghosh @ Prasanta Ghosh
Vs.
Sandhya Rani Ghosh & Ors.**

**Mr. Saptangsu Basu, Senior Advocate
Mr. Sakabda Roy, Advocate
Mr. Anindya Halder, Advocate**

.....for the Appellant

**Mr. Soumyajit Das Mahapatra, Advocate
Ms. Madhurai Sinha, Advocate**

.....for the Respondent Nos. 2 & 3

1. On the last occasion, the matter was referred to mediation as this Court perceived that there is a possibility of resolving the dispute involved in the instant appeal. The parties appeared before the Mediator and they have agreed to resolve their disputes and the terms and conditions have been reproduced in the terms of settlement dated 24.02.2024.
2. The Mediator submitted the report which contains the original terms of settlement.
3. After perusing the terms agreed upon by the parties as reflected in the said terms of settlement, we do not find that any of such term is unlawful.
4. In view of the settlement having arrived between the parties, the final decree being the subject matter of challenge in the instant appeal, is modified on the basis thereof. Since the parties

have settled the dispute, there is no point in keeping the appeal pending, we, therefore, dispose of the appeal modifying the final decree in the terms of settlement dated 24.02.2024.

5. The appeal being **FAT 92 of 2021** is accordingly **allowed** on the basis thereof. The connected application being CAN 1 of 2021 is disposed of.
6. Since the parties have agreed upon the terms, the modification of the final decree is granted to such extent and the other portion of the final decree which does not come under the purview of such modification, shall remain unchanged.

(Harish Tandon, J.)

(Maduresh Prasad, J.)