

Form No.J(2)

IN THE HIGH COURT AT CALCUTTA
Civil Appellate Jurisdiction
Appellate Side

Present : The Hon'ble Mr. Justice Sabyasachi Bhattacharyya
&
The Hon'ble Mr. Justice Partha Sarathi Sen

FA 200 of 2022

Ritesh Agarwal
-vs-
Smt. Mamata Agarwal

For the appellant-husband : Mr. Sounak Bhattacharya,
Mr. Abhirup Halder

For the respondent-wife :Mr. Prantick Ghosh,
Mr. Prasad Bhattacharyya

Heard on : December 10, 2024.

Judgment on : December 10, 2024.

Sabyasachi Bhattacharyya, J.

1. Affidavit filed on behalf of the respondent/wife today be kept on record.
2. It is evident from the said affidavit that the respondent/wife has renounced the world by joining a religious institution and does not want to return to marital life.

Accordingly, she has instructed her learned counsel to the effect that she does not want to resume marital tie with her husband after a long gap and separation with him.

3. Although irretrievable breakdown is not a valid ground of divorce in our law, fact remains that if one of the spouses has renounced the world, it affords sufficient ground for grant of a divorce decree.

4. We take note of the subsequent event of the respondent having renounced the world and accordingly are of the opinion that a divorce decree should be granted in favour of the appellant-husband on the said ground.

5. Accordingly, the affidavit filed today on behalf of the respondent-wife be treated to be a part of the record.

6. In view of the above discussions, FA No. 200 of 2022 is allowed, thereby setting aside the impugned judgment and decree dated May 21, 2022 passed by the learned Additional District Judge, Fifth Court at Barasat, District: North 24 Parganas in Matrimonial Suit No. 97 of 2014 (arising out of MAT Suit No. 494 of 2014) and granting a divorce decree in favour of the appellant/husband against the respondent/wife on the ground as indicated above, thereby dissolving the marriage between the parties.

7. A formal decree be drawn up accordingly.

I agree.

(Partha Sarathi Sen, J.)

(Sabyasachi Bhattacharyya, J.)