

16.01.2024

Court : 04
Item : 01
Matter : FAT
Status : DNP
Bench ID : 266176
Transcriber : NANDY

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

FAT 354 of 2013
With
CAN 5(1243) of 2018
CAN 6 of 2023

Alaka Tripathi @ Pati
Vs.
Ramkamal Pati

Mr. Krishnendu Bera, Advocate

.....for the Appellant/Wife

Mr. Debjit Mukherjee, Advocate

Ms. Susmita Chatterjee, Advocate

Mr. K. Bhattacharya, Advocate

Mr. S. Chakraborty, Advocate

Mr. P. Jana, Advocate

.....for the Respondent/Wife

1. The appellant/wife filed the instant appeal assailing the decree for dissolution of marriage under Hindu Marriage Act.
2. During the pendency of the instant appeal, the parties have decided to settle their scores amicably and it is submitted on behalf of the appellant/wife that she does not intend to proceed with the instant appeal.

CAN 6 of 2023

3. The instant application has been filed for recording the compromise entered into between the parties to which we do not want to make any comment thereupon except that the said compromise would remain a part of the record. The reason for not passing such order is that the decree for divorce cannot be granted on the basis of a compromise.
4. Since the appellant/wife does not intend to proceed with the instant appeal, there is no impediment on the part of the Court to put the compromise on record.
5. Both the parties are personally present before us. We

have been given to understand that pursuant to such compromise, a bank draft of Rs.12,50,000/- (Rs.Twelve Lakh Fifty Thousand only) issued by the State Bank of India bearing number 051347 dated 12.12.2023 in favour of the appellant/wife has been handed over to the appellant/wife as full and final settlement of her claim. A photocopy of the bank draft is taken on record.

6. It is indicated that the appellant/wife shall withdraw all the criminal proceedings including the complaint lodged by her under various Sections of the Indian Penal Code and further undertakes not to initiate any proceedings in this regard before the Court of Law.
7. Since the appellant does not intend to proceed with the instant appeal, we do not find any impediment in acceding to such prayer.
8. Accordingly, the instant appeal being **FAT 354 of 2013** is **dismissed** as '**not-pressed**'. The connected application being **CAN 6 of 2023** and **CAN 5 (1243) of 2018** also stand **dismissed**.

(Harish Tandon, J.)

(Madhuresh Prasad, J.)

