

Item- 23-05-2025
7.

FA 89 of 2022
CAN 3 of 2022
CAN 4 of 2025

sg

Manash Ranjan Dutta
Vs.
Milli Das

Ct. 8

Mr. C.B. Sinha
Mrs. Kajal Chattopadhyay
Miss. Anjali Mishra

...for the appellant

Mr. Susenjit Banik
Ms. Sutopa Mukhopadhyay

...for the respondent

1. The learned Counsel for the parties have submitted that the matter has been settled in mediation. The department has placed the final report of the learned Mediator.
2. It appears from the final report that the learned Mediator, the parties and their respective Advocates have duly signed the said report. The final report contains the terms of settlement arrived at in course of mediation and it has drawn up and prepared in terms of Rules 24(1) and (2) of the Civil Procedure – Alternative Dispute Resolution & Mediation Rules, 2006, High Court at Calcutta, duly gazetted on 7th December, 2006, along with the final report. The agreement is lawful.
3. The marriage between the parties appears to be unworkable and emotionally dead and that they are living separately for a considerable period of time.
4. Both the parties have agreed to file an application for mutual divorce under Section 13B of the Hindu Marriage Act, 1955 before the learned Additional District Judge, 1st

Court, Sealdah within one week after the Summer Vacation.

5. In the event the said application is filed, we would request the learned Additional District Judge to dispose of the said application as expeditiously as possible, preferably within a period of fortnight from the date of filing of the said application as we are of the opinion that cooling off period of six months is not required due to irretrievable break down of marriage between the parties and the same is permitted in view of the judgment of the Hon'ble Supreme Court in *Amardeep Singh vs. Harveen Kaur* reported in AIR 2017 SC 4417 read with paragraph 27 of *Amit Kumar vs. Suman Beniwal* reported in 2021 SCC OnLine 1270 and in the case of *Amit Kumar vs. Suman Beniwal* reported in AIR 2022 Supreme Court 570.
6. In view of the aforesaid directions, the appeal and the connected applications are, accordingly, disposed of.
7. The department is directed to draw up a decree in accordance with the settlement agreement.
8. TCR along with the original final report of the learned Mediator shall immediately be sent down to the learned Additional District Judge, 1st Court, Sealdah after retaining a photostat copy of the final report of mediation.
9. Urgent Photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Soumen Sen, J.)

(Smita Das De, J.)