

9th April,
2026
(AK)
31

F.A.T 67 of 2025

Smt. Manika Samadder
Vs.
Sri Deepneil Samaddar

Mr. Dipankar Mandal
....for the appellant.

Mr. Tulshi Das Ray
...for the respondent.

1. The present appeal has been preferred by the appellant/wife against a decree of divorce obtained by the respondent/husband.
2. By an order dated February 19, 2026, it was recorded that learned counsel for the respondent/husband had submitted that after passing of the *ex parte* divorce decree, the respondent has remarried and has a daughter of about six years from the second marriage.
3. In such context, we granted a week's adjournment to the learned Advocate for the appellant to take instructions as to whether the appellant/wife still wants to proceed with the appeal.
4. Today, when the matter called on for hearing, learned counsel for the appellant, on instruction, submits that the appellant/wife does not want to proceed with the appeal, since no fruitful purpose would be served even if the appellant succeeds.

However, the appellant/wife intends to seek permanent alimony.

5. Appreciating such circumstances, FAT 67 of 2025 is dismissed for non-prosecution, thereby affirming the judgment and decree dated December 17, 2016 passed by the Additional District Judge, Fast Track Court, Barrackpore, District-North 24 Parganas in Matrimonial Suit No.112 of 2016.
6. However, we make it abundantly clear that it will be open to the appellant to take out an application for permanent alimony before the jurisdictional court, in the event the appellant so intends.
7. If such an application is filed, the same shall be decided in accordance with law by the concerned Court, upon giving opportunity of hearing to both sides, without being influenced in any manner by the dismissal of the present appeal.
8. There will be no order as to costs.
9. Urgent photostat copies of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Sabyasachi Bhattacharyya, J.)

(Biswaroop Chowdhury, J.)