

16.01.2026.
Item No. 2.
Court No. 13
ap

**F.A. 121 of 1996
With
I.A. No. CAN 3 of 2010 (Old CAN 9490 of 2010)**

**Smt. Anuradha Banerjee
Versus
Sri Biswendu Prokash Banerjee**

Mr. Sandipto Bose,
Ms. Debapriya Mitra,
Ms. Anchita Sarkar.

...For the appellant.

Mr. Debasish Roy, ld. Sr. Advocate,
Mr. Debnath Modak.

...For the respondent.

1. The instant first appeal is directed against the judgment dated 22nd December, 1995 and the decree dated 8th January, 1996 passed by learned 6th Additional District Judge, Alipore in Matrimonial Suit No. 34 of 1988.
2. By the impugned judgment and decree, divorce was granted to the respondent/husband. The grounds on which the decree of divorce was granted, was primarily on cruelty.
3. Learned Counsel appearing on behalf of the appellant submits that the parties have residing separately for more than 40 years and there is monthly alimony being paid by the respondent on the appellant of Rs.7,500/-.
4. Since there is absolutely no chance whatsoever of reconciliation and the fact that the appellant/wife is now residing with her married daughter, this Court is of the view that the relations between the parties has

broken down irretrievably. The ground for divorce is, therefore, modified. The marriage between the appellant and the respondent shall be declared as dissolved on the ground of irretrievable break down of marital relations. The respondent, who is personally present in Court today, agreed to pay a lump sum amount towards permanent alimony for Rs.12,00,000/- (Rupees twelve lakhs only).

5. Let the same be paid by the respondent/husband, namely, Biswendu Prokash Banerjee to the appellant/wife, namely, Anuradha Banerjee within a period of two weeks from date.

6. The appellate decree shall take effect upon the aforesaid payment being made to the appellant/wife by the respondent/husband. Let such payment be effected by the Advocate-on-record for the respondent/husband to the Advocate-on-record for the appellant/wife by way of demand draft and/or banker's cheque/pay order in favour of Anuradha Banerjee.

7. By consent of the parties, G.R. Case No. 2184 of 1988 now pending before the learned Judicial Magistrate, 3rd Court at Barrackpore, North 24 Parganas shall stand quashed.

8. As a matter of abundant caution, let a server copy of this order be filed before the learned Additional Chief Judicial Magistrate, Barrackpore in connection with the above case by the opposite party/husband for recording of the same in the criminal proceedings

before the learned Additional Chief Judicial Magistrate mentioned hereinabove.

9. With the aforesaid observations, F.A. 121 of 1996 shall stand disposed of.

10. In view of disposal of the appeal itself, the connected application being CAN 3 of 2010 shall also stand disposed of.

11. There will be no order as to costs.

12. All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)

(Ajay Kumar Gupta, J.)