

A-37
Ct No.16
02.12.2024
TN

FA 123 of 2024
IA No: CAN 1 of 2024

Debjani Bhattacharya nee Ganguly
Vs.
Nirmalya Bhattacharyya

Mr. Surya Prasad Chattopadhyay,
Mr. Arjun Samanta

....for the appellant

In Re: IA No: CAN 1 of 2024

1. Despite service, none appears for the respondent at the time of call.
2. Affidavit-of-service filed today be kept on record.
3. Since the present appeal arises at the behest of the wife against a judgment and decree of divorce and as the appellant has made out a *prima facie* case, since both questions of fact and law are involved in adjudication of the appeal, we are inclined to make the interim order granted earlier absolute.
4. Hence, IA No: CAN 1 of 2024 is allowed, thereby restraining the respondent/husband from contracting any re-marriage during the pendency of the appeal, bearing FAT 117 of 2024.
5. There will be no order as to costs.
6. At this juncture, learned counsel for the appellant submits that the appellant would seek enhancement of the alimony awarded to the appellant.

7. Liberty is granted to the appellant to take out an appropriate application on such count and mention the same for inclusion in the list as and when the same is filed.

(Sabyasachi Bhattacharyya, J.)

(Gaurang Kanth, J.)