

22-12-2020

Ct. 12

FMAT 557 of 2020
With
CAN 1 of 2020

Atanu Bhattacharjee
Versus
Satabdi Bhattacharjee

(Through Video Conference)

Mr. Kaustav Chandra Das, Adv.
...for the appellant

This is out of a matrimonial discord and during the pendency of a suit for dissolution of marriage, an application was taken out by the husband praying, inter alia, for a temporary injunction restraining the wife to create any disturbance or chaos in front of the dwelling house and also at his place of work as indicated in paragraph 4 of the petition.

We have perused the order under appeal.

The learned trial judge refused to pass any interim order on the ground that in absence of any police complaint and in absence of any medical document, it cannot be said that a prima facie case has been made out.

Having considered the nature of the dispute between the parties, we feel that the learned trial judge did not commit any error in refusing to pass the ad-interim ex-parte order of injunction although there were other relevant factors which we are sure the learned Trial Judge would consider in presence of the parties. We would expect the respondent not to disrupt peace and tranquility at the dwelling house and at the same time the plaintiff not to instigate the respondent. We,

however, hope that the parties resolve their disputes amicably and the learned Additional District judge may refer the parties to mediation to resolve their disputes and to propone the date of hearing of the matter with a view to ascertain if the parties are willing to have their disputes resolved amicably through mediation.

We make it clear that the learned trial court shall decide the matter impartially without being influenced by any observations made in this order or in the earlier orders.

The appeal, being FMAT 557 of 2020 and the application, being CAN 1 of 2020 are, accordingly, disposed of.

However, there shall be no order as to costs.

(Saugata Bhattacharyya, J.)

(Soumen Sen, J.)