

S/L. 5.
July 19, 2022.
MNS.

IN THE HIGH COURT AT CALCUTTA
Civil Revisional Jurisdiction

C.O. No. 190 of 2022

Ipsita Banerjee nee Mukherjee
Vs.
Anirban Mukherjee

Mr. Subhrajyoti Ghosh

... for the petitioner.

Mr. Prithvijoy Das,
Ms. Priyanka Chatterjee,
Mr. Raj Barman,
Ms. Pramila Halder,
Ms. Ishani Ghosal

...for the opposite party.

This revision arises out of an application under Section 24 of the Code of Civil Procedure. As it appears, the matter was referred to the Mediator for arriving at a settlement of the dispute between the parties.

It appears from the case record that the matter was resolved between the parties on the following conditions:

- “1. This Terms of Settlement is arising out of the mediation process presided by Mrs. Ramyani Ghoshal, Advocate Mediator.*
- 2. The petitioner/wife and the opposite party/husband have mutually agreed to enter into the Terms of Settlement in order to resolve their marital disputes in an amicable manner.*
- 3. That since the case is a perfect example of an irreparable break down of marriage and both parties are reluctant to carry*

forward this marital bond, the learned Advocate Mediator is also of the view that both the parties should enter into a written Terms of Settlement.

4. That the parties shall withdraw their respective cases lodged and/or filed against each other and shall resolve their marital disputes through filing a fresh Mutual Divorce Petition.

5. That the opposite party/husband agreed and consents to withdraw the following case-

i) Matrimonial Suit No. 1293 of 2021 pending before the learned 8th ADJ at Alipore;

6. That the petitioner/wife agreed and consents to withdraw the following cases-

i) Misc Case No. 474 of 2021 pending before learned 2nd J.M. at Barasat.

ii) G. R. No. 410 of 2021 (Ref: Barasat Police Station Case No. 63/2021) pending before the learned CJM at Barasat.

7. That a fresh Mutual Divorce Petition shall be filed before the competent court at Barasat.

8. That no parties shall raise any claim against each other in future."

Learned lawyers appearing for the parties submit that in terms of the settlement, the parties will file an application for dissolution of marriage on mutual consent in the Court of the learned District Judge, North 24 Parganas at Barasat.

This revisional application has been filed seeking transfer of the matrimonial suit from the Court of the learned District Judge, South 24 Parganas at Alipore to the Court of the learned District Judge, North 24 Parganas at Barasat.

Learned lawyers are on *ad idem* that the matrimonial suit be transferred to the Court of the learned District Judge, North 24 Parganas at Barasat.

Having heard learned lawyers appearing for the parties and considering all aspects of the matter, I think that it will be wise to withdraw the matrimonial suit from the Court of the learned District Judge, South 24 Parganas at Alipore and transfer the suit to the Court of the learned District Judge, North 24 Parganas at Barasat.

Let the Matrimonial Suit No. 1283 of 2021 be withdrawn from the Court of the learned District Judge, South 24 Parganas at Alipore and the said suit be transferred to the Court of the learned District Judge, North 24 Parganas at Barasat for disposal.

The learned District Judge, South 24 Parganas at Alipore is directed to transmit the case record of the Matrimonial suit to the Court of the learned District Judge, North 24 Parganas at Barasat immediately after receipt of a copy of this order.

The learned District Judge, South 24 Parganas at Barasat may either dispose of the matrimonial suit himself or herself or transfer the

suit to any of the courts of the learned Additional District Judge at Barasat for disposal.

In view of the above, the revisional application, being C.O. No. 190 of 2022, is disposed of.

There will be no order as to costs.

Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Rabindranath Samanta, J.)