

**CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
APPELLATE SIDE**

**07.09.2022
Crt. No.1.
Single Bench
b.r.
Item No.4.**

C.O. 75 of 2022

***Shruti Islam (Sarkar)*
-Vs.-
*Manoj Kumar Sarkar***

**Ms. Suman Snehanobish (Mondal)
Mr.Somraj Paul
.....for the petitioner.**

**Mr. Sudipta Kanta Bhowmick
Ms. Dipti Bhowmick
..... for the Opposite Party.**

Party/parties is/are represented in the order of their name/names as printed above in the cause title.

This is an application under Section 24 of the Code of Civil Procedure for transfer of MAT. Suit No. 20 of 2022 from the Court of the Learned District Judge, Jalpaiguri to the Court of the Learned District Judge at Cooch Behar.

The opposite party/husband is the plaintiff in the MAT Suit. The petitioner/the wife is the defendant in the MAT. Suit. The MAT Suit has been filed for dissolution of marriage between the parties under the provisions of the Special Marriage Act.

Ms. Dipti Bhowmick, Learned Counsel appearing for the opposite party/husband, takes the stand that the MAT Suit has been fixed for *ex parte* hearing by the Learned Additional District Judge, 1st Court at Jalpaiguri/the transferee Judge on the ground that the defendant/the wife failed to enter her appearance in the MAT Suit.

Ms. Suman Snehanobish (Mondal), learned Counsel appearing for the petitioner/the wife, submits that the wife could not enter appearance before the learned Trial Court on the ground of miscommunication with her lawyer of the scheduled date of appearance.

Ms. Suman Snehanobish (Mondal) submits that the parents of the wife are aged and hence it will be difficult for her to attend to the MAT Suit at Jalpaiguri.

To the contrary, Ms. Bhowmick submits that the wife left the matrimonial home on her own accord and the opposite party/husband is paying a sum of Rs.25,000/- towards the maintenance of the wife voluntarily even without any order of Court.

Both the parties submit that they are interested in attending mediation for resolving the dispute.

Having heard the parties and considering the materials placed, this Court permits the parties to attend the mediation to be conducted by an empanelled Mediator in the district at Jalpaiguri.

The **Registrar, Circuit Bench** at **Jalpaiguri** shall take steps to appoint a trained Mediator, who shall file his Report before the Learned Trial Court.

Having heard the parties and considering the materials placed, this Court is also of the view that no irretrievable prejudice could be shown by the petitioner warranting an order of transfer of the MAT Suit from Jalpaiguri to Cooch Behar.

C.O. 75 of 2022 stands accordingly **disposed of.**

All concerned parties shall act in terms of the copy of the order downloaded from the official website of this Court.

Urgent Photostat certified copy of this order, if applied for, be given to the parties upon compliance of necessary formalities.

(Subrata Talukdar, J.)