

December 13, 2023
Sl. No.18
Court No.19
s.biswas

CO 2720 of 2023
Shri Tanmoy Ghosh
vs.
Smt. Paramita Sen

Mr. Sanjoy Chakraborty
Ms. Kakali Dutta

... for the petitioner

Mr. Souma Subhra Ray

... for the opposite party

The order dated July 24, 2023 passed by the learned Additional District Judge, Fast Tract 1st Court, Barasat, North 24 Parganas, in Matrimonial Suit No.2054 of 2021 is erroneous.

The learned court directed that September 4, 2023 be fixed for reconciliation, in default, the petitioner's case would be dismissed and no adjournments would be entertained.

This court is of the view that if the reconciliation fails, the learned Judge must proceed in accordance with law. The period of reconciliation should not be extended beyond February 29, 2024. Thereafter, the learned court shall proceed with the suit, on its own merits.

The law is well-settled, that failure of reconciliation would not amount to dismissal of a matrimonial suit, but the suit shall then proceed on its own merits, upon contest by both parties.

The revisional application is disposed of accordingly. The order impugned is modified.

There shall be no order as to costs.

All the parties are directed to act on the basis of the server copy of the order.

(Shampa Sarkar, J.)