

**CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
CIVIL APPELLATE JURISDICTION
APPELLATE JURISDICTION**

04.10.2023
Ct. no.1
Sl. 19+20
sp

**FMAT No. 9 of 2023
With
CAN 1 of 2023
(not in file)
With
FMAT No. 17 of 2023
With
CAN 1 of 2023**
Anirban Chakraborty
Vs.
Gita Sharma

Mr. Arnab Saha

.... For the appellant

Mr. Hillol Saha Poddar,
Ms. Mousumi Das

... For the respondent

1. The Mediation Committee of the High Court at Calcutta in the Principal Bench has reported that the wife has not turned up in the mediation and hence the instant proceeding.
2. The learned counsel for the wife submits that she is residing in Siliguri and could not attend the mediation proceeding in Calcutta.
3. This Court notes that the parties are both located in Siliguri.
4. Let Mr. Sudipto Kanto Bhowmik, Advocate, Jalpaiguri (Mob. 9434197719) located at Jalpaiguri be appointed as mediator to explore all possibilities of mediation of

settlement of the issues between the appellant and the respondent and file a report before this Court.

FMAT 9 of 2023

5. This Court notes that FMAT 9 of 2023 has been filed by the husband against refusal to allow custody of the 4 years old girl child to him at an interim stage. The impugned proceeding for custody is still pending under Section 9 of the Guardians and Wards Act, vide order dated April 4, 2023.
6. The parties may apply in the Court below for any legal remedies for conversion of the application in accordance with law. The custody of the girl child with the wife shall abide by the final result of such proceeding.

FMAT 17 of 2023

7. FMAT 17 of 2023 has been filed by the wife against the quantum of interim alimony under Section 24 of the Hindu Marriage Act vide order dated April 4, 2023.
8. The interim alimony shall abide by the final result of the proceeding in the Court below.
9. The parties shall first go into the mediation and the Court below shall receive a report from the mediator as soon as possible.
10. In view of the above, nothing further remains to be adjudicated in the appeals being FMAT 9 of 2023 and FMAT 17 of 2023 and hence, are disposed of.
11. In view of the above, all connected applications, if any, shall also stand disposed of.

12. It is made absolutely clear that that this Court has not entered into the merits of the rival claims between the parties. The parties may agitate all their grounds in the Court below, if the mediation fails.

13. It is sincerely expected from both parties that they take steps towards amicable settlement of all disputes between them.

14. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Supratim Bhattacharya, J.) (Rajasekhar Mantha, J.)