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03.09.2024

*In The High Court At Calcutta
Civil Revisional Jurisdiction*

C.O. No. 418 of 2024

**Smt. Mahasweta Patra
Vs.
Subhranshu Konar**

Mr. Mihir Kumar Das,
Mr. Sourav Ghosh ... For the petitioner.

The order dated December 15, 2022 passed by the learned Additional District Judge at Arambagh, District – Hooghly in the Matrimonial Suit No. 385 of 2022 is under challenge in the instant application under Article 227 of the Constitution of India.

The parties had filed a joint application under Section 28 of the Special Marriage Act, 1954 for dissolution of their marriage by a decree of divorce on mutual consent.

The learned Trial Judge has dismissed the said suit for default as the husband did not turn up.

In terms of Section 28(2) of the said Act of 1954, the second motion must be within a period of 18 months after the expiry of the gestation period of 6 months from the date of the first motion stipulated under Section 28(1) thereof.

The second motion since was not within the said stipulated period of 18 months, the suit has abated. The order impugned, therefore, does not call for any interference.

C.O. 418 of 2024 is dismissed without any order as to costs.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Biswajit Basu, J.)