

March 5, 2024
Sl. No.12
Court No.19
s.biswas

CO 4512 of 2023
Rupom Kumar Biswas
vs.
Sharmistha Mondal

Mr. S. P. Chattopadhyay
Mr. Arjun Samanta

... for the petitioner

The husband is the petitioner before this court. He filed Matrimonial Suit No.52 of 2020, which is pending before the learned Additional District Judge, Fast Track 3rd Court at Barrackpore, North 24 Parganas. The husband prayed for reference of the matrimonial dispute to a mediator.

The learned court was of the view that the matter was referred to the mediator for reconciliation on an earlier occasion, but the mediation failed. The application for mediation was rejected by the learned court.

I do not find any reason to interfere with the order impugned. The decision cited by the learned advocate for the petitioner in the matter of **K. Srinivas Rao vs. D. A. Deepa** reported in (2013) 5 SCC 226, does not apply to the case in hand. The Hon'ble Apex Court held that quite often misunderstandings in a matrimonial relationship could be resolved by mediation as an alternative dispute resolution system. The problems could be ironed out. The experience of the court had shown that 10 to 15% of the matrimonial disputes got

settled at various mediation centres. Therefore, the court must attempt mediation. The court should make an attempt to send all the parties to a trained mediator for resolution of the dispute. Often times, they produce good results.

There is no quarrel with the such proposition. The Hon'ble Apex Court and all courts are alive to the prospect of resolution of the disputes, by alternative mechanisms. In matrimonial matters, the learned trial courts always explore the possibility of reconciliation and mediation.

In the instant case also, there was an attempt for mediation, which failed. The court was of the view that any further direction for mediation would not enure any benefit. The learned trial court is in seisin of the matter. The learned trial court was aware of the conduct of the parties and progress of the suit. The trial court was the best judge to decide whether exploration of further possibility of mediation would yield to any benefit. Moreover mediation has to be between two parties. Both parties should be willing to make an effort to go for a mediation.

Under such circumstances, when the learned trial court is specifically of the view that reconciliation and mediation had failed, no useful purpose would be served in sending the parties for second mediation.

This court does not find any reason to interfere with the order impugned. It appears that the suit is at the stage of evidence and a date has been fixed for evidence of DW.

Under such circumstances, the revisional application stands disposed of, without interfering with the order impugned and with a direction upon the learned court to complete the proceedings and dispose of the suit within a period of six months from date, without granting unnecessary adjournments. In the meantime, the husband shall continue paying the maintenance pendente lite, as directed the learned court below.

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

(Shampa Sarkar, J.)