

3 & 4
26.08.2025
Ct. No.-6
D.Hira

C.O. 189 of 2025

**Dolon Mondal
Vs.
Debashis Sarkar**

With

C.O. 397 of 2021

**Dolan Mondal
Vs.
Debashis Sarkar**

Ms. Jagriti Bhattacharya,
Ms. Antara Panja.

...for the petitioner

Mr. Avishek Mukherjee,
Mr. Sandipan Das.

... for the opposite party/husband

This application under Article 227 of the Constitution of India is at the instance of the wife and is directed against an order dated November 14, 2024 passed by the learned Additional District Judge, 3rd Court, Barrackpore North 24 Parganas in Matrimonial Suit No. 766 of 2020, thereby rejecting the prayer for vacating *ex parte* hearing of the said suit.

Ms. Jagriti Bhattacharya, learned advocate appearing for the petitioner/wife submits that the dispute between the parties was referred to mediation by an order passed by a Coordinate Bench in C.O. No. 397 of 2021 on October 7, 2021 whereby the wife/petitioner herein agreed to withdraw the Matrimonial Suit No. 210 of 2020, which was pending before the learned District Judge,

Fast Track Court, Ranaghat, Nadia and the husband agreed to withdraw the matrimonial suit filed by the husband being No. 766 of 2020 pending before the learned Additional District Judge, 3rd Court, Barrackpore, North 24 Parganas.

Ms. Jagriti Bhattacharya, learned advocate appearing for the petitioner submits that though the Matrimonial Suit No. 210 of 2020 was dismissed, on the prayer of the husband but the husband has not withdrawn the Matrimonial Suit No. 766 of 2020.

Mr. Avishek Mukherjee, learned advocate appearing for the opposite party/husband herein submitted that the Matrimonial Suit No. 210 of 2020 was not dismissed on the prayer of the husband but the same was dismissed in the presence of both the parties.

Having heard the learned advocate for the respective parties, this Court finds that the terms of settlement arrived at before the mediator was not placed before the learned Trial Judge in Matrimonial Suit No. 766 of 2020.

C.O. No. 189 of 2025 stands disposed of by giving liberty to the petitioner herein to file an application before the learned Additional District Judge, 3rd Court, Barrackpore, North 24 Parganas in Matrimonial Suit No. 766 of 2020 and produce the copy of the terms of settlement arrived at by the parties which was recorded

by the learned mediator in the final report dated February 24, 2022.

The learned Additional District Judge, 3rd Court, Barrackpore, North 24 Parganas is requested to consider the terms of settlement and the final report of the mediator and, thereafter, proceed with the Matrimonial Suit No. 766 of 2020 in accordance with law.

The learned Trial Judge was not justified in rejecting the prayer for adjournment.

The order impugned stands modified to the extent as indicated hereinbefore.

A photocopy of the terms of settlement and the final report of the mediator filed by the learned advocate for the petitioner, in Court today, is taken on record.

With the above observations and directions, C.O. No. 189 of 2025 stands disposed of.

There will be no order as to costs.

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

For want of determination C.O. No. 397 of 2021 stands released from the list of this Court.

(Hiranmay Bhattacharyya, J.)