

Mat 354/24 (CIS 354/24)

Order dated 07.02.2026

Today is fixed for hearing under section 36 of Special Marriage Act and filing of WS.

Both the petitioner and the OP filed legal appearance.

Ld counsel for the petitioner and the OP are present.

It is submitted by the Ld advocate for the petitioner that the OP has expressed his desire to resume conjugal life with the petitioner. It is also submitted by the petitioner that both the litigating parties have engaged in a talk of reconciliation

The advocate for the OP submits that the dispute between the parties can be settled at the initiative both sides.

Perused the record.

Now it appears to this court that the matter of dispute between the parties is a family dispute which can be settled through mediation. Thus, the matter be referred for mediation.

The Ld counsel for the petitioner and the respondent expressed their willingness to participate in mediation.

Now, having reference to section 89 of CPC and having regard to the tenor of the provision of order 10 rule 1 a CPC and the order passed by the Hon'ble Apex Court in Afcons Infrastructure Limited and Another Vs Cherian Varkey Construction Company Private Limited and Others (2010) 8 SCC 24 the court has to refer cases for ADR processes including mediation which do not require the consent of the parties for reference.

This is a case of matrimonial dispute which ought to be referred for mediation since there appears to be an element for settlement.

Accordingly let the matter be referred for mediation to be held before the District Legal Services Authority, Alipurduar.

Fixing 12.03.2026 for report from the mediator.

Let a copy of the order be sent to the DLSA Alipurduar.

Addl. Dist. & Sessions Judge,

F.T.C. -1,

Alipurduar.

J.O. Code W.B. 01009

Later,

Written Statement is filed by the respondent. Copy supplied.

Let it be kept in the record.

Addl. Dist. & Sessions Judge,
FTC-I, Alipurduar.

Additional Dist. & Sessions Judge,
1st Fast Track Court, Alipurduar.

