

Mat 98/23 (CIS 98/23)

Order dated 09.06.2025

Today is fixed for PH.

Both the petitioner and the respondent filed legal appearance.

Ld counsel for both the petitioner and the respondent are present.

An application is filed by the Ld Counsel for the respondent for reference to mediation.

The respondent by filing application have submitted 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 objects to the application for mediation filed by the respondent and submits the unwillingness of the petitioner 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 on 14.06.2025 by the District Legal Services Authority, Alipurduar.

Fixing 18.06.2025 for report from the mediator.

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

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

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