

CNR No: WBSP01-009192-2020

Present: Subhra Som Ghosal

J.O Code: WB00984

MAT Suit No: 1918 of 2020

Order No. 25, dated: 23-11-2023.

The petitioner/wife as well as the respondent/husband, in order to mark their presence before this court have filed their respective haziras through their respective Ld. advocates.

As stipulated by the previous order today is fixed for framing of issues.

On query by this court it is found that no element of settlement is found to be acceptable by the parties. Thus at this stage section 89 of the Code of Civil Procedure read with Civil Procedure Alternative Dispute Resolution Rules, 2006 could not be invoked. The case record has revealed that the attempt of reconciliation has also failed. Hence, the record is taken up for framing of issues. The pleadings as filed by both parties to this litigation are meticulously scrutinized in juxtaposition with the documents relied.

Heard both the Ld. Lawyers for the petitioner/wife and the respondent/husband.

In order to sum up the points of controversies between the parties and fix the fact in issue, as well as to fulfill the requirement of law, issues are framed in a separate sheet and kept with the record. 05 (five) number of issues are framed. To avoid any future complication the issues framed today are reproduced herein below:

1. Is the suit maintainable in its present form and prayer?
2. Has the petitioner any cause of action to file the instant suit?
3. Has the respondent/husband treated the petitioner/wife with mental and physical cruelty as alleged in the petition?
4. Whether the petitioner/wife is entitled to a decree of divorce on the ground of cruelty?
5. To what other relief or reliefs, is the petitioner is entitled to under law and equity?

Let the trial of this case be commenced. The petitioner/wife is to come ready with her evidence on the date fixed.

Fix 01.04.2024 for P. hearing.

Typed to the dictation directly;

corrected on the system.

Sd/-Subhra Som Ghosal

Additional District and Sessions Judge,

01st Court, Alipore, South 24 parganas.

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