

N.22Sl
151/CL

CO 4279 of 2025

Smt. Puja Nandi
v.
Sri Tapan Nandi

13.04.26
DL-72
Ct-06
(S.R.)

Mr. Kushal Chatterjee, Adv.
Mr. Debrup Choudhury, Adv.
... for the petitioner.

1. Mr. Chatterjee, learned advocate appearing for the petitioner submits that during hearing of CO 993 of 2022, the petitioner as well as the opposite party had jointly submitted that the parties were living separately since January 2014 and there was no chance of the marriage between the parties being salvaged.
2. Inviting the attention of this Court to an order dated February 17, 2025 passed by this Court in CO 993 of 2022, it is submitted that the parties (i.e. the petitioner and the opposite party) had prayed that the gestation period of six months for the second motion as required under Section 13B(2) of the Hindu Marriage Act, 1955 be dispensed with.
3. It is submitted that in view of the request made by the parties, this Court had requested the learned Additional District Judge, 1st Court at Serampore, District – Hooghly to prepone the date of second motion of the joint application for divorce on mutual consent upon application by the parties. Mr. Chatterjee submits that in terms of the aforesaid

order, an application for preponement had been made on June 26, 2026 but for some mysterious reasons, the opposite party has stopped appearing before the learned Trial Court thereafter.

4. He further submits that this revisional application has been necessitated in the peculiar fact situation where the application for divorce on mutual consent has been push into limbo by the calculated non-appearance of the opposite party. Even today the opposite party is not represented despite service.
5. Let a further notice be served upon the opposite party intimating him that, in case, he chooses not to appear even on the next occasion, the Court may consider dealing with the matter in his absence. Since it is *prima facie* evident that the petitioner is not at fault as regards the conduct of the proceedings, the petitioner shall be entitled to pray for an adjournment of the proceedings before the learned Trial Court if the same is returnable prior to the returnable date of this revisional application.
6. The learned Trial Court is requested to adjourn the proceedings and fix a date later than the date on which the revisional application is made returnable.
7. List this revisional application once again on May 14, 2026.
8. The petitioner shall file an affidavit of service to that effect on the returnable date.

(Om Narayan Rai, J.)