

17.12.2020
Ct. 30
Sl.19
KS

CRR 491 of 2020

Sanat Ishwar Parmar & Anr.

-Vs.-

State of West Bengal & Anr.

(Via Video Conference)

Mr. Sabyasachi Banerjee

Mr. Anirban Dutta

Mr. S. Sinha

.....For the Petitioners

Mr. Sandipan Ganguly

Mr. Arkadeb Bhattacharya

.....For the O.P. No.2

In this revisional application, the revisionist-husband has sought for modification, alteration, setting aside the order dated 23.12.2019 passed in Criminal Appeal No.272 of 2019 arising out of an order dated 19th November, 2019 passed by the learned Metropolitan Magistrate, 4th Court in Misc. Case No.75 of 2019 whereby the learned Chief Judge, City Sessions Court in its order dated 23.12.2019 was pleased to stay the operation of the order dated 19.12.2019 passed by the learned Metropolitan Magistrate, 4th Court subject to payment of Rs.50,000/- to the opposite party-wife as an interim maintenance from the date of the order.

Mr. Sabyasachi Banerjee, learned advocate appearing for the petitioners submits that he has already challenged the issue of jurisdiction of the Court because the opposite party-wife resides in Mumbai and the petitioner-husband resides in Pune.

This submission is countered by Mr. Ganguly, learned advocate appearing for the opposite party-wife and submits that the opposite party-wife resides in Kolkata and that the appeal is still pending before the learned Appellate Court. It is also submitted by Mr. Ganguly that the arrear payable to the opposite party no. 2-wife is to the tune of Rs. 6,53,290/- whereas only a sum of Rs. 1,00,000/- has been paid by the petitioner and a sum of Rs. 5,53,290/- is yet to be paid.

I find that the issue of jurisdiction as to whether the Court has got the jurisdiction to entertain such application or the appeal is a matter of decision for the Appellate Court.

With this above observation, the application being, CRR 491 of 2020 is disposed of with direction upon the Appellate Court below to dispose of the appeal within a period of fortnight after reopening from the "Christmas Vacation".

Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance of the requisite formalities.

(Shivakant Prasad, J.)