

16-12-2020
Subrata
Item no.6

IN THE HIGH COURT AT CALCUTTA
Civil Appellate Jurisdiction

F.M.A.T.No.384 of 2020
Ms. Diasi Sarkar
-vs-
Mr. Supratik Das
with
CAN No.1 of 2020
and
CAN No.2 of 2020

Mr. Chittapriya Ghosh
Ms. Priyanka Saha ...for the appellant

Ms. Komal Singh
Mr. A.B. Ghosh
Mr. Somesh Ghosh ...for the respondent

As the issue involved is very short, dispensing with all formalities, we have taken up the appeal for hearing. It is against an order dated 18th August 2020 passed by the learned Additional District & Sessions Judge at Sealdah.

The proceedings were for obtaining divorce by mutual consent under the Special Marriage Act, 1954. By the said order, the plaint was returned on the grounds that the court had no territorial jurisdiction.

We are constrained to observe that the learned judge has fallen into serious error. He did not consider the averments and the documents in support thereof that the marriage was solemnized on 19th April 2014 before a marriage officer for Ultadanga Manicktala, Narkeldanga, Beliaghata P.S. area, as would appear from a copy of the certificate of marriage annexed to the stay petition (Annexure B, page 18).

In those circumstances, the impugned order dated 18th August 2020 is hereby set aside. The appeal (FMAT

No.384 of 2020) is allowed accordingly.

We direct the learned court below to deal with the application for grant of divorce by mutual consent in accordance with law, as expeditiously as possible.

The connected applications – CANs No.1 of 2020 and 2 of 2020 – are disposed of.

[I.P. Mukerji, J]

[Kausik Chanda, J]