

S/L 22
09.12.2020
Court. No. 19
GB

C.O. 1514 of 2020

Priyanka Das (Chatterjee)
Vs.
Soumya Chatterjee

(Through Video Conference)

Mr. Dyutiman Banerjee.

...for the Petitioner.

This application has been filed by a mother seeking expeditious disposal of the application filed under Section 151 of the Code of Civil Procedure seeking police help for handing over the minor child from the custody of the father in terms of the order dated February 24, 2020.

It appears that the learned Additional District Judge, First Tract, 3rd Court, Barasat, District 24 Parganas (North) had disposed of an application under Section 38 of the Special Marriage Act ex parte, granting interim custody of the minor in favour of the mother. The child was directed to be handed over within seven days. As the order was not complied with, the petitioner has filed an application under Section 151 of the Code of Civil Procedure.

Records reveal that the said application has been pending for sometime. Without going into the merits of the maintainability of the application under Section 151 of the Code of Civil Procedure, this revisional application is disposed of with a direction upon the learned court below to

adjudicate the application filed by the petitioner as expeditiously as possible preferably within a period of two months from date of communication of this order after granting an opportunity of hearing to all parties. It appears that the next date fixed is January 14, 2021. It is expected that the matter will be heard on the said date and accordingly disposed of on its own merits and in accordance with law within the time frame fixed hereinabove, unless the order of custody has been stayed by any higher Court or forum. No unnecessary adjournment shall be granted to any of the parties. The court will proceed accordingly and on the merits of the maintainability of the application under Section 151 of the Code of Civil Procedure.

The petitioner is directed to serve copies of this revisional application along with server copy of this order upon the opposite party within the course of ten days.

The revisional application is disposed of.

There will be, however, no order as to costs.

Urgent Photostat certified copy of this order, if applied for, be given to the parties on priority basis.

(Shampa Sarkar, J.)