

(11)
30.07.2021
(p.jana)

IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION

(Via Video Conference)

CO No. 1057 of 2021

Moutushi Ghosh nee Roy
-versus-
Rajib Roy

Mr. Dhananjoy Banrjee,
Mr. Snehangsu Banerjee,

... for the petitioner.

Mr. Supriyo Chattopadhyay,
Mr. Chiranjib Roy,
Ms. Saswati Adhikary, ... for the opposite party.

The opposite party has filed an application before the learned District Judge at Barasat, District-24 Parganas (North) for appointment of himself as the guardian of the minor daughter of the parties.

The said application has been registered before the said Court as Misc. Case No. 134 of 2020.

The minor is in the custody of her mother, the petitioner herein.

The petitioner by the present application under Section 24 of the Code of Civil Procedure is praying withdrawal of the said Misc. case from the court where it is now pending and for transfer of the same to any court competent to try and dispose of the said suit under the judgeship of learned District Judge, Nadia at Krishnanagar.

Mr. Supriyo Chattopadhyay, learned counsel appearing on behalf of the opposite party submits that his client intends to take custody of his minor daughter, as such is willing to initiate appropriate proceeding before appropriate Court having jurisdiction for such custody. He further submits that to facilitate initiation of the said proceeding the opposite party is not willing to proceed with the said Misc. Case 134 of 2020.

In view of such stand of the opposite party, Misc. Case No. 134 of 2020 pending before the learned District Judge, District- 24 Parganas (North) at Barasat is dismissed as not pressed.

On communication of this order, the learned District Judge at Barasat, District- 24 Parganas (North) shall record formal order of dismissal of the said Misc. Case.

The aforesaid stand of the opposite party renders the present application under Section 24 of the Code infructuous, and accordingly C.O.1057 of 2021 is dismissed without any order as to costs.

This order, however, will not prevent the opposite party to initiate appropriate proceeding for the custody of his minor daughter before the appropriate Court having jurisdiction.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance of all requisite formalities.

(Biswajit Basu, J.)