

17.06.2021

sb
Sl. 47
Court No.35

CRR 1356 of 2021

(Via Video Conference)

Dipak Pradhan
Vs.
Parvin Khatun

Mr. Kaustav Chandra Das
Sk. Sahjahan Ali
..for the petitioner.

In this revisional application, the petitioner has challenged an order no. 24 dated February 26, 2021 passed in Misc. case no. 123 of 2018 filed under Section 12 of the Protection of Women from Domestic Violence Act, 2005 pending before the learned Judicial Magistrate, 1st Court at Contai, Purba Medinipur.

By the order impugned, the learned Magistrate allowed the application for amendment of written objection filed by the petitioner in the said Misc. case.

Learned Advocate for the petitioner submits that the petitioners has filed an application before the learned Magistrate for stay of the said Misc. case no. 123 of 2018 on the ground of a pending civil suit

between the parties for a declaration that the alleged marriage between the parties is null and void.

No such application has been annexed to this petition. From the order impugned also it does not appear that any such application has been filed before the learned Magistrate. Order impugned simply indicates that the application of the petitioner for the amendment application has been allowed.

The mere pendency of a declaratory suit of that nature cannot be a ground for quashing the impugned proceedings under the Protection of Women from Domestic Violence Act, 2005.

No interference is called for.

This revisional application is dismissed.

The parties are to act on the server copy of this order.

(Kausik Chanda, J.)