

CRR 1471 of 2013

In Re : Tapas Kuamr Dutta vs. The State of West Bengal & anr.

Mr. Sourav Chatterjee,
Mr. Debapratim Guha,

...for the petitioner.

Mr. Arijit Ganguly,
Mr. Sandip Chakraborty,

...for the State.

Affidavit of service filed by the petitioner be kept with the records.

Mr. Chatterjee is aggrieved by the order passed by the learned Appellate Court being the Learned Additional Sessions Judge, Fast track Court, Bankura.

Records reflect that the learned Appellate Court was pleased to pass the following order:

“That the petitioner wife shall be entitled to enter upon and reside at her shared household and the respondent no.1/O.P. shall allow her to reside and remain in that shared household without any encumbrances, disturbance, interference”.

The grievance of the petitioner is that under the garb of the said order, the opposite party no.2 has occupied almost all the spaces and the petitioner is only left with a single room.

Be that as it may, I direct the learned Judicial Magistrate, 4th Court, Bankura to decide regarding the proportion to which

each of the parties would occupy the house having regard to other family members who have the right to occupy the house.

With the aforesaid observations, CRR 1471 of 2013 is disposed of.

Pending application, if any, is consequently disposed of.

Interim order, if any, is hereby vacated.

The department is directed to communicate this order to the learned Judicial Magistrate, 4th Court, Bankura within seven days from date.

The petitioner would appear before the Judicial Magistrate, Bankura on 30th September, 2021 and take out an appropriate application for implementation of the aforesaid directions.

All parties are act on the server copy of this order, duly downloaded from the official website of this Court.

(Tirthankar Ghosh, J.)