

23.12.2021
SL No.9
Court No.1
(gc)

***Circuit Bench of Calcutta High Court
At Jalpaiguri***

FAT 3 of 2021

Sri Pankaj Debnath

Vs.

Smt. Payel Debnath

(Via Video Conference)

Mr. Kalipada Das,
...for the Appellant.
Mr. Jaydeep Kanta Bhowmik,
...for the Wife.

The learned Advocate for the appellant seeks accommodation to remove the defect as pointed out by the Stamp Reporter in his report dated 24th February, 2021.

Prayer is allowed.

Mr. Jaydeep Kanta Bhowmik, Advocate, is appointed by us to represent the respondent, the wife, who is personally present in Court with Aadhaar Card and other necessary documents to show marriage with the appellant.

Leave is given to Mr. Bhowmik to file a Vakalatnama with the department in course of the day on behalf of the wife, Smt. Payel Debnath. The Secretary, State Legal Service Authority, Jalpaiguri is directed to regularize the appointment of Mr. Jaydeep Kanta Bhowmik in terms of this order.

We have perused the impugned order and we are of the opinion that the learned Trial Judge ought to have taken into consideration the evidence-in-chief filed by the parties in connection with the application filed by them under Section 13B of the Hindu Marriage Act, 1955. Accordingly, the order impugned is set aside.

The matter is remanded back to the Trial Court to dispose of the application under Section 13B of the Hindu Marriage Act, 1955 after taking into consideration the evidence-in-chief of the husband and wife and relevant documents that the parties would be required to produce to satisfy the Trial Court on issues that the learned Trial Court may feel relevant to dispose of the matter.

A Photostat copy of Aadhaar Card of Smt. Payel Debnath duly counter-signed by the respondent is kept with the record.

With the aforesaid observation, the appeal being FAT 3 of 2021 stands disposed of.

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.)

(Soumen Sen, J.)