

S/7
3.11.2022
Court. No. 19
sn

W.P.A.15057 of 2021

Suvash Chandra Mahata
VS
The State of West Bengal & Ors.

Mr. Swapan Kumar Paul
... for the Petitioner

Mr. Arijit Dey ..for the respondent no.7

Ms. Sipra Majumder
Mr. Milan Kr. Maity ..for the State

By this writ petition, the petitioner has made an attempt to obtain an order which may help the petitioner in different proceedings which are pending against the respondent no.4, at the instance of the petitioner. A matrimonial suit for dissolution of marriage, a suit for declaration and proceedings under the Domestic Violence Act are pending between the parties.

The petitioner denies that the respondent no.4 is his legally married wife.

On the contrary, learned advocate for the respondent no.4 submits that Matrimonial Suit no. 375 of 2016 had been filed by the petitioner in the Court of the learned District Judge, Paschim Medinipore for divorce. The petitioner also filed another suit for declaration, that the respondent no.4 is not his legally married wife. Both the suits are pending.

In this writ petition, the petitioner submits that the certificate given by the Pradhan that the respondent no.4 was known to him, should be set aside and cancelled.

In the opinion of the Court, when there are other proceedings pending with regard to the issue of marriage and identity of the respondent no.4, any observation or order passed by this Court will directly interfere with the proceedings which have been initiated by the petitioner himself for divorce and also for declaration that the respondent no.4 was not his wife. It also appears that in the proceeding under Section 24 of the Hindu Marriage Act, 1955, another alleged person claiming to be wife of the petitioner sought to be added as a party.

Under such circumstances, the status of the respondent no.4 and the marriage between the respondent no.4 and the petitioner are sub judice.

The petitioner is always at liberty to take appropriate steps with regard to the certificate that has been issued in favour of the respondent no.4 before the civil court. The writ petition is not maintainable for the reasons stated hereinabove. Whether the Pradhan knew the respondent no.4 as the wife of the petitioner is a question of fact. In any event the status of the petitioner's wife would be determined in the civil suit. All documents of identity of the

respondent no.4, as the petitioner's wife will also be subject to the decision in the civil suit.

This writ petition is dismissed.

This order will not influence any of the pending proceedings.

However, there will be no order as to costs.

All the parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)