

Form J(1)

**IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction
Appellate Side**

**Present :
The Hon'ble Justice Bibek Chaudhuri**

**CRR 302 of 2022
With
CRAN 1 of 2023**

**Subhasis Saha
Vs.
Smt. Shreya Das Saha and Anr.**

Mr. Arindam Jana
Mr. Sudipta Dasgupta
Mr. Bikram Banerjee
Mr. S. Sutradhar
..for the petitioner

Mr. Biplab Mitra
Ms. Trina Mitra
..for the O.P.

Item No. 01.

Heard & Judgment on: 08.05.2023

Bibek Chaudhuri, J.

It is submitted on behalf of the applicant that the Hon'ble Supreme Court in Miscellaneous Application No. 1683 of 2022 in Transfer Petition (C) No. 1455 of 2020 was pleased to pass an order directing the settlement for divorce being M.C. Case No. 2118 of 2020 titled as "Subhasis Saha Vs. Shreya Das Saha" is to be transferred from the Principal Judge, Family Court at Bengaluru to the Court of the District Judge, Purulia, West Bengal.

In view of such order the instant revision has virtually become infructuous. Therefore, the applicant has prayed for passing appropriate order in the instant revision.

The learned advocate for the applicant/husband submits that a case under Section 125 of the Code of Criminal Procedure has been filed by the applicant against him praying for maintenance at Purulia. Indisputably, the husband has been working for gain at Bengaluru, though the said fact is disputed by the applicant stating, inter alia, that the husband is now transferred to Kolkata.

Be that as it may, the petitioner/husband wants his suit for divorce and the application under Section 125 of the Code of Criminal Procedure may be taken up by the respective Courts on the same day as far as practicable and by virtue of the Hon'ble Supreme Court's order physical presence of the respondent/husband would not be insisted in the transferee Court on every date that he may be

permitted to appear through virtual mode unless his appearance is essentially necessary. If the first prayer made on behalf of the petitioner/husband is allowed then the opposite party will not be prejudiced. Moreover, specific direction has been passed by the Hon'ble Supreme Court regarding physical appearance of the petitioner.

In view of such circumstances, the instant revision is disposed of directing the respective Courts to comply with the direction of the Hon'ble Supreme Court in the manner that both the suit for divorce and the application under Section 125 of the Code of Criminal Procedure may be heard on the same date as far as practicable.

The instant revision is, thus, disposed of.

Interim order stands vacated.

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

(Bibek Chaudhuri, J.)