

July 12, 2023
Sl. No.1
Court No.19
s.biswas

CO 425 of 2023

Diptarshi Dey

vs.

Debikanya Dutta

Mr. Pramit Chakraborty

Mr. Subhranil Ray

... for the petitioner

Ms. Kakali Samajpaty

Ms. Sangita Jangra

Ms. Pratima Barman

... for the opposite party

This revisional application has been filed challenging an order dated December 8, 2022, passed by learned Additional District Judge, Fast Track, 2nd Court, Sealdah in Matrimonial Suit No.89 of 2022.

By the order impugned, the learned court below came to a finding that the parties had not presented the petition before the appropriate District Court, having territorial civil jurisdiction to try the matrimonial suit. According to the learned court below, the husband had failed to show any document indicating where he last resided or where both the parties last resided or where the parties resided on the date of presentation of the petition.

In other words, the court came to the finding that there was nothing on record to show that the suit could be filed within the jurisdiction of the Sealdah Court.

Both the learned advocates appearing for the husband and the wife submit that the learned Court

had jurisdiction to hear the matter. The pleadings would indicate that the parties last resided together as husband and wife at 3, Canal Street, North Block, 4th Floor, Flat No.4A, Kolkata-700014.

The documents which have been produced before this court, namely, the Aadhaar Card, which reflects the address of the wife's paternal home. The territorial jurisdiction of the courts in respect of the District 24 Parganas has been produced before this court. It appears that Entally is under the territorial jurisdiction of the Sealdah court.

Hence, the order impugned is set aside. The learned court below is directed to proceed with the Matrimonial Suit No.89 of 2022 expeditiously and dispose of the same within next three months from date. The revisional application is thus disposed of.

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

Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Shampa Sarkar, J.)