

IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION
APPELLATE SIDE

CO 540 of 2023

Suman Ghosh
Vs.
Mohua Ghosh

Mr. Raghunath Chakraborty
Mr. Supratick Shyamal
Mr. Rajarshi Mitra
... For the petitioner

Mr. Suvodeep Chakraborty, led by
Ms. Neelina Chatterjee
... For the opposite party

This revisional application under Article 227 of the Constitution of India has been filed challenging the order no.85 dated 16th January, 2023 passed by the learned Additional District Judge, Second Court, Sealdah, South 24-Parganas, whereby the learned Judge refused the prayer of the petitioner/husband under Order XII Rule 6 of the Code of Civil Procedure (in short, 'CPC').

Learned advocate on behalf of the opposite party/wife also appears.

In course of argument, learned advocate appearing on behalf of the petitioner/husband has submitted that both the husband and the wife filed separate application under Order XII Rule 6 CPC and the application filed by the petitioner/husband was refused on the ground of lacking unequivocal admission. Learned advocate

appearing on behalf of the petitioner/husband has tried to make this Court understand that there was unequivocal admission in the application under Order XII Rule 6 CPC. It has been further submitted on behalf of the petitioner/husband that the application filed on behalf of the opposite party/wife under Order XII Rule 6 CPC is also pending for hearing on 2nd March, 2023.

In these circumstances, I am of the opinion that both the applications filed separately by the parties to the suit under Order XII Rule 6 CPC should be heard analogously after hearing both sides and considering the materials available on record.

In the aforesaid view of the matter, the order of refusal of the application dated 16th January, 2023 passed under Order XII Rule 6 CPC filed by the petitioner/husband stands set aside, with a request to the learned Additional District Judge, Second Court, Sealdah, South 24-Parganas, to hear both the applications under Order XII Rule 6 CPC filed by the parties analogously, but, I make it clear, without being influenced by the order of this Court.

However, the leaned advocate appearing on behalf of the opposite party/wife is at liberty to move before the learned Additional District Judge, Second Court, Sealdah, South 24-Parganas, for hearing of the application under Order XXIII Rule 1 CPC to dispose of along with the petitions under Order XII Rule 6 CPC.

With the above observation, the revisional application, being CO 540 of 2023, stands disposed of.

Let a copy of this order be forwarded to the learned Additional District Judge, Second Court, Sealdah, South 24-Parganas, forthwith.

Urgent photostat certified copy of this order, if applied for, be given to the parties, upon compliance of necessary formalities.

(Bibhas Ranjan De, J.)