

24 30.08.23

Ct. No. 04

akd

F.M.A.T. 216 of 2022

CAN 1 of 2023

CAN 2 of 2023

Debabrata Malo

Vs.

Saswati Malo

Mr. Rajeswar Mitra.

... for the appellant.

The instant appeal has been filed assailing an order no. 8 dated 4th March, 2020 passed by the learned District Judge, Hooghly on an application under Section 24 of the Hindu Marriage Act, 1955.

Section 28 of the said Act does not provide the remedy by way of an appeal against an order passed under Section 24 of the Hindu Marriage Act, 1955. The appeal being a creature of statute cannot be assumed by the litigant unless provided for.

The instant appeal is, therefore, not maintainable. The same is hereby dismissed.

However, dismissal of the instant appeal shall not prevent the appellant to assail the impugned order before the appropriate forum.

The certified copy of the impugned order be returned to the learned Advocate on record of the appellant by the Assistant Court Officer upon replacement with a photocopy thereof.

(Harish Tandon, J.)

(Prasenjit Biswas, J.)

