

13.02.2023
SL No.7
Court No.8
(gc)

**FMAT 445 of 2022
CAN 1 of 2022**

**Piku Sengupta
Vs.
Parijat Sengupta**

Mr. Ramprokash Banerjee,
Ms. Tanusri Chanda,
...for the Appellant.

Mr. Sourav Sen,
Mr. Aniruddha Bhattacharya,
Mr. Indranuj Dutta,
Mr. Asmanur Quail
...for the Respondent.

We have heard the learned Counsel for the parties.

In view of Section 39(2) of the Special Marriage Act, 1954, the order is revisable and not appealable. We are in agreement with Mr. Sen, learned Counsel representing the respondent that on the parity of reasoning in ***Srikumar Lahiri Vs. Sonali Lahiri*** reported at ***2006 (1) Calcutta Law Journal 188***, the order impugned is not an appealable order.

Under such circumstances, the appeal and the application stand dismissed as the order impugned is not appealable.

However, this order shall not preclude the appellant to take appropriate steps in accordance with law.

The original certified copy of the impugned judgment may be returned to Ms. Tanusri Chanda, learned Advocate-on-record for the appellant after retaining Photostat copy of the same.

In the event the question of limitation arises, the time spent in this proceeding shall be excluded under Section 14 of the Limitation Act.

(Uday Kumar, J.)

(Soumen Sen, J.)