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08.9.2023
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Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Jurisdiction

C.O. 6 of 2023

In the Matter of : Smt. Tanusree Chakraborty

Mr. Hillol Saha Poddar ... for the petitioner

Ms. Nikita Agarwal
Mr. Gopal Saha ... for the O.P.

Heard learned advocates for the parties.

It is submitted that husband, the opposite party before this Court wants to withdraw the petition under Section 13 of the Hindu Marriage Act pending before learned Additional District Judge, 4th Court, Jalpaiguri.

This application filed by the respondent / wife is for transfer of the proceeding from the Court of Jalpaiguri to Mathabanga. Since an order of stay is there, the opposite party / husband cannot take step before the learned Trial Court for withdrawal of the Suit.

Considering the prayer of the opposite party, I am inclined to recall the order of stay subject to payment of costs of Rs.5,000/- to be paid within four weeks to the petitioner but not later than the date of filing their petition seeking withdrawal of the suit.

Learned Trial Court shall decide the prayer for withdrawal of the Matrimonial Suit with leave to sue afresh on the same subject matter, independently.

This Court is not making any comment on the issue for withdrawal of the suit.

It is submitted by Mr. Saha Poddar, learned counsel appearing on behalf of the petitioner that in view of the submission of learned counsel for the opposite party, there is no requirement to keep this revisional application is pending.

The revisional application, is thus, disposed of being infructuous, along with application, if any.

Let a copy of the order be sent down to the learned Trial Court for information and necessary action.

(Siddhartha Roy Chowdhury, J.)