

28-11-2023
Court No.3
Sh/20.

**In The High Court At Calcutta
Jalpaiguri Circuit Bench**

C.O. 82 of 2023

Smt. Amrita Roy nee Chaki
-Vs-
Sri Soumen Chaki.

Mr. Subham Ghosh,
Mr. Maynak Roy.

For the petitioner.

Mr. Bikramaditya Ghosh,
Mr. Sumanta Ghosh.

For the opposite party.

1. Both the parties are represented.
2. This is an application under Article 227 of the Constitution of India against order dated 11th April, 2023 passed by learned Additional District Judge at Siliguri in Misc. Case No.1 of 2022, arising out of Matrimonial suit No.435 of 2021.
3. By the impugned order learned Court below was pleased to pass an order directing that the custody of the girl child born out of the said wedlock will continue with her father/petitioner till the disposal of the case or until further order whichever is earlier. By the self-same order liberty was also given to the mother/opposite party to visit and meet the child on every Saturday, Sunday and public holidays as declared by the Central Government at a particular time and place till the disposal of the case.
4. Now Mr. Subham Ghosh, learned counsel appearing on behalf of the petitioner submits that the present application may be disposed of with a direction upon the Court Below for expeditious disposal of

the Misc. case being Misc. case No.1 of 2022 as well as Mat Suit No.435 of 2021 filed by the opposite party/husband herein.

5. Mr. Bikramaditya Ghosh, learned counsel appearing on behalf of the opposite party submits that he does not have any objection if the present application is disposed of in terms of the aforesaid prayer made by the petitioner.
6. In such view of the matter, C.O. 82 of 2023 is hereby disposed of with a direction upon the learned Court below to dispose of the application under Section 26 of the Hindu Marriage Act being Misc. Case No.1 of 2022 as expeditiously as possible preferably within a period of three months from the date of communication of this order. Learned Court below is further directed to expeditiously dispose of the MAT suit being MAT Suit No.435 of 2021 and to make every endeavour to conclude the entire proceeding of the said suit preferably within a period of six months thereafter.
7. Urgent website certified copy of this order, duly downloaded from the official website of this Court, if applied for, be supplied to the learned advocates appearing for the parties, subject to compliance of all requisite formalities.

(Ajoy Kumar Mukherjee, J.)

