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June, 2024
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Ct. 19
12.06.2024

*In The High Court At Calcutta
Civil Revisional Jurisdiction
(Appellate Side)*

C.O. 887 of 2024

**Chayan Mukherjee
Vs.
Sutanuka Kundu**

Mr. Pinaki Ranjan Mitra ... For the petitioner.

Mr. Subrata Santra,
Ms. Gargi Dhang ... For the opposite party.

Affidavit-of-service filed on behalf of the petitioner be
kept with the record.

The revisional application under Article 227 of the
Constitution of India is directed against Order No. 07 dated
February 17, 2024 passed by the learned Additional
District Judge, Fast Track Court – II, at Howrah in
Miscellaneous Case No. 168 of 2023.

To get back the custody of his minor son from the
opposite party, the petitioner has filed the aforementioned
Misc. Case under the provisions of the Guardians and
Wards Act, 1890.

The petitioner in the said Misc. Case had filed an
application praying that his father may be allowed to act as
his authorized agent.

The learned Trial Judge by the order impugned has
dismissed the said application.

Order III Rule 1 of the Code of Civil Procedure
contemplates that any appearance, application of act in or
to any Court required or authorized by law to be made or
done by a party in such Court, may, except where

otherwise expressly provided by any law for the time being in force, may or done by the party in person or his recognized agent.

The petitioner by an application has acknowledged that his father is his authorized agent to appear/ act/ plead/ argue/ submit/ receive all petitions/documents on his behalf in the said Misc. Case. The requirements of Order III Rule 1 of the Code since are satisfied, the order impugned is set aside, the application filed by the petitioner is allowed.

It is made clear that in view of the nature of the proceeding, Sri Joydeb Mukherjee is not authorized to adduce evidence on behalf of the petitioner.

C.O. 887 of 2024 is disposed of with the above terms without any order as to costs.

Parties to act on the server copy of this order duly downloaded from the official *website* of this Court.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Biswajit Basu, J.)