

07.10.2024
sayandeep
Sl. No. 36
Ct. No. 08

CO 1994 of 2024

Swagata Sengupta
-Versus-
Prama Sengupta (nee Maity)

Ms. Jagriti Bhattacharya
Mr. Abhradip Jha

....for the petitioner

By filing the instant application, the petitioner seeks for stay of all further proceedings being Act VIII case No. 57 of 2023 pending before the learned District Judge, Chinsurah at Hooghly. It appears that both the parties have filed the case against each other for custody of a minor child in different courts.

The father has filed the instant revisional application seeking stay of the proceeding filed by the wife/opposite party and curiously enough sought for quashing of the said proceeding.

So far as the quashing of the proceeding is concerned, it is unknown in civil law. A person can seek for rejection of the plaint or the original proceedings taking recourse to the provisions available under the Code of Civil Procedure but cannot approach the High Court under Article 227 of the Constitution of India to exercise such power. Whether both the proceedings are to be clubbed together is a question that may arise but since the approach is made under Article 227 of the Constitution of India, we do not find that the relief as sought for, can be granted to the petitioner.

Accordingly, the revisional application is dismissed without any order as to costs.

(Harish Tandon, J.)

