

S/L 7-8
22.8.2024
Court No.19
SD

IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION

CO 2087 of 2023

With

CAN 1 of 2024

[Application not in the file]

Rita Jalan

Vs.

Amit Kumar Jalan

With

CO 3136 of 2023

Amit Kumar Jalan

Vs.

Rita Kumari Kanodia (Jalan)

Mr. Shreyash Mohta

*...for the Petitioner
[in CO 2087 of 2023].*

*Mr. Ayan Banerjee
Ms. Debjani Sengupta
Ms. Paulomi Ghosh*

*...for the Opposite Party
[in CO 2087 of 2023].*

A common order is under challenge in both the revisional applications, as such, they are taken up for analogous consideration.

The parties are husband and wife.

The husband has filed a matrimonial suit being *Matrimonial Suit No.357 of 2016* which was pending before the 2nd Court of learned Additional District Judge, Howrah.

On an application under Section 25 of the Code of Civil Procedure, the Hon'ble Supreme Court had withdrawn the said suit from the said Court at Howrah, West Bengal and transferred it to the Family Court at Raipur, Chhattisgarh vide order dated March 14, 2024 passed in *Transfer Petition (Civil) No.3404 of 2023*.

The application of the wife for alimony *pendente lite*, registered as *Misc. Case No.70 of 2018* in the said matrimonial suit, was disposed of before the said suit was withdrawn from the said Court at Howrah, West Bengal.

The order of alimony *pendente lite* passed in the said Misc. Case is under challenge in both the revisional applications.

The suit since has been transferred to another state, this Court in exercise of its supervisory power under Article 227 of the Constitution of India cannot interfere with the order impugned.

Learned advocate for the petitioner submits that his client shall take out a fresh application for alimony *pendente lite* in the suit which after transfer, is now pending before the learned Additional Principal Judge, Family Court at Raipur, Chhattisgarh.

The wife is always free to do so, but the parties shall not be entitled to take advantage of any of the finding(s) of the order impugned in pursuing and/or defending such fresh application.

CO 2087 of 2023 and CO 3136 of 2023 are thus disposed of 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 copies of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Biswajit Basu, J.)