

IN THE HIGH COURT AT CALCUTTA  
CIVIL REVISIONAL JURISDICTION  
APPELLATE SIDE

**CO 961 of 2022**  
**with**  
**IA No. CAN 1 of 2022**

Munal Santra  
Vs.  
Sonam Dutta nee Santra

**with**  
**CO 2472 of 2022**

Munal Santra  
Vs.  
Smt. Sonam Dutta nee Santra

Mr. Rwitendra Banerjee  
Mr. Pawan Kumar Gupta  
Mr. Shibasis Chatterjee  
Ms. Sofia Nesar  
... For the petitioner

Mr. Baidurya Ghosal  
Mr. Sourav Mukherjee  
Mr. Saikar Mukherjee  
... For the respondent

**In re: CO 961 of 2022 with CAN 1 of 2022**

1. In this revisional application, challenge is the order dated 2<sup>nd</sup> March, 2022 passed in connection with Matrimonial Suit No.508 of 2017 whereby the learned Additional District Judge, Fast Track Court III, Malda refused the prayer under Order VII Rule 11(d) of the Code of Civil Procedure (in short, CPC) considering the stage of the proceeding as well as on the issue of cause of action of the suit.

2. On careful scrutiny of the application under Order VII Rule 11 of the CPC, I find that the respondent/petitioner herein stated all about the place of marriage,

registration of marriage between the parties etc. but in the prayer, there is nothing specific about dismissal of the suit on the ground of jurisdiction. Prayer was made for rejecting/dismissing the Matrimonial Suit No.508 of 2017 within the meaning of the provision of Order VII Rule 11 of the CPC.

3. Learned counsel appearing on behalf of the petitioner has advanced his entire argument on the point of jurisdiction in terms of Section 31 of the Special Marriage Act, 1954 as well as the relevant provision of Rule (3) of the Civil Rules and Orders of Calcutta High Court.

4. I have heard learned counsel appearing on behalf of the parties.

5. Having gone through the application under Order VII Rule 11 of the CPC, I do not find any specific prayer for rejection of the plaint under Order VII Rule 11(d) of the CPC on the ground of jurisdictional error.

6. After going through the order impugned in this case, I do not find any reason assigned in the order in disposing of an application under Order VII Rule 11 of the CPC.

7. In the given facts and circumstances, the impugned order stands set aside.

8. Liberty is given to the respondent/petitioner herein to file an application afresh within one week from the date of this order.

9. The learned Judge shall dispose of the application after giving an opportunity of hearing to the parties to the suit within a period of one month from the date of filing of the application by the respondent/petitioner herein.

10. In case of failure on the part of the respondent/petitioner herein to file any application, the learned Trial Judge is at liberty to proceed with the suit.

11. With the aforesaid observation and direction, the revisional application, being CO 961 of 2022, stands disposed of.

12. In view of disposal of the revisional application, the connected application, being CAN 1 of 2022, is also disposed of.

**In re: CO 2472 of 2022**

13. In view of the observation passed in CO 961 of 2022, this revisional application stands dismissed being infructuous.

14. All parties shall act on the basis of a server copy of this order duly downloaded from the official website of this Court.

15. Urgent photostat certified copy of this order, if applied for, be given to the parties, upon compliance of necessary formalities.

**(Bibhas Ranjan De, J.)**