

30.01.2024
Item No.80
Ct.No.34
dc.

IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION

C.R.R. 2988 of 2023

In the matter of : **Pralay Banerjee** ... Petitioner.

Mr. Arunava Ganguly ... For the Petitioner.

Petitioner has challenged the order dated 09.03.2023 on the ground that although in the written objection the jurisdiction was challenged, the learned Magistrate did not consider the same and proceeded to allow the prayer for interim maintenance of the wife and the child.

Learned advocate appearing for the petitioner draws the attention of the Court to the order passed by the Hon'ble Supreme Court in Transfer Petition (Civil) No. 2932 of 2019 wherein the Hon'ble Supreme Court was pleased to transfer the divorce petition from the Court of Principal Judge, Family Court, District Durg, Chhattisgarh to the Principal Judge, Family Court, District Nagpur, Maharashtra. Learned advocate submits that the wife is not staying at Bhadreswar, but has invoked the jurisdiction of the Court of the learned Additional Chief Judicial Magistrate, Chandannagore, Hooghly.

In view of the contentions which have been taken in the written objection relating to jurisdiction, learned trial court would decide the same as to how the same has been invoked without interfering with the interim maintenance so awarded. The learned trial court would satisfy itself in respect of the jurisdiction and thereafter proceed with the trial of the case in future. The said issue be preferably decided within a period

of 60 days from the next date so fixed before the learned trial court.

Learned Magistrate would independently exercise his discretion on the basis of the records available without being influenced by any observations made by this Court hereinabove.

With the aforesaid observations, the revisional application being CRR 2988 of 2023 is disposed of.

Pending connected application, if any, is consequently disposed of.

All concerned parties shall 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 upon compliance with all requisite formalities.

(Tirthankar Ghosh, J.)