

*In The High Court At Calcutta
Civil Revisional Jurisdiction*

C.O. 3298 of 2024

Rumita Sikdar (nee Sinha)

Vs.

Santu Sikdar

Mr. Anjan Ray,
Mr. Subhajit Chowdhury ...For the petitioner.

The respondent in a suit for dissolution of marriage between the parties is the petitioner of the instant application under Article 227 of the Constitution of India.

The said suit being *Matrimonial Suit No. 58 of 2023* is pending before the learned Additional District Judge, F.T.C. – II, at Barasat, District: 24 Parganas (North).

The husband of the petitioner, the opposite party herein, has invited the jurisdiction of the learned Trial Judge alleging that he has lastly resided with the petitioner at 1/10, M.M. Ghosh Road, Kolkata, a place within the jurisdiction of the Court below.

The petitioner is saying that she has never lived with the opposite party at the said address; she places much reliance on the reply of the husband to the Show Cause notice issued in connection to the proceeding under section 125 of the Code of Criminal Procedure to substantiate her allegation.

The veracity of the averments of the petition for divorce shall be decided in the suit; the learned Trial Judge has rightly held that the said issue cannot be decided at this stage.

The order impugned therefore does not call for any interference.

C.O. 3298 of 2024 is thus dismissed 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.)