

Sl.No.

8

18.11.2024

Court

No. 35

G.S.Das

WPA 26669 of 2024

Mitali Sikdar

-Vs-

The State of West Bengal & Ors.

Mr. Purbangsu Chandra Mitra

Ms. Piyali Mitra

Ms. Mahasweta Mukherjee

Ms. Susmita Chatterjee

Ms. Indira Malik

Ms. Madhumita Roy

... for the Petitioner

Mr. Suman Ghosh

Mr. Siddharta Ghosh

... for the State

Learned advocate for the petitioner

submits that she is aggrieved by the conduct of her husband for which she has complained with the police authorities. But, still she apprehends that she may be suffered because of the act and actions of her husband so far as the children are concerned and, she is also unable to enter the flat for which she is paying monthly instalments to the financiers.

The circumstances are such that the petitioner along with her two children cannot stay at her own flat and she is staying with her mother.

Report submitted by the State reflects that certain communications were made, lastly, on 14th August, 2020.

Learned advocate for the petitioner, to that effect, submits that a General Diary Entry was registered with the police station on 13th of October, 2024.

Be that as it may, the disputes and differences between the petitioner and the private respondent arise out of matrimonial discord. The petitioner is apprehensive and aggrieved both for the two children as well as the flat in issue, which she has purchased.

The petitioner would be at liberty to approach the jurisdictional court under

the relevant provisions of PWDV Act, 2005 both for residential right(s) as well as the custody and protection of the children.

There are other relevant provisions so far as the protection of the lady herself is concerned under the Act including maintenance, costs and medical expenses, etc.

Learned advocate for the petitioner submits that such application would be preferred under Section 12 of the PWDV Act with specific relief(s). If, such application is preferred before the learned jurisdictional court, as interim measure, the learned court would try to dispose of the interim prayer(s) within a period of 10 days from the date of filing of such application.

With the aforesaid observations, WPA 26669 of 2024 is disposed of.

Report so submitted be kept with the record.

Affidavit of service so filed be also kept with the record.

Parties to act on a server copy of this order duly collected from the official website of the Hon'ble High Court, Calcutta.

(Tirthankar Ghosh, J.)