

13
25.04.2024
Ct. No.2
b.das

**IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri
Civil Revisional Jurisdiction**

CO 61 of 2024

**Aditya Jain
vs.
Smt. Nilu Jain Goel**

**Re: An application under Article 227 of the
Constitution of India.**

Mr. Arnab Saha ... for the petitioner.

Mr. Nigam Mittal ...for the opposite party.

Heard learned counsels for the parties.

The petitioner filed a matrimonial suit being no.335 of 2023 under Section 9 of the Hindu Marriage Act, 1955 against the opposite party who is his wife, which is pending adjudication before the learned Trial Court.

An application filed by the petitioner seeking visitation rights with regard to his minor daughter was allowed by the learned Court by an order passed on 11th October, 2023.

The petitioner faced some difficulty in visiting the child for which he filed an application on 17th October, 2023 seeking modification of the order dated 11th October, 2023.

The said application is yet to be considered by the learned Court.

The innocuous prayer of the petitioner is for direction upon the learned Trial Court for expeditious disposal of the application.

Upon consideration of the submission made on behalf of the parties, this Court is inclined to hold that since the application for modification filed by the petitioner on 17th October, 2023 is still pending though the suit is being proceeded with, the learned Trial Court, being the learned Additional District Judge, Alipurduar be directed to dispose of the application dated 17th October, 2023 within one month from the date of communication of this order, in accordance with law.

In view of the above, the application is disposed of.

Urgent certified website copy of this order, if applied for, be furnished to the parties upon compliance of necessary formalities.

(Suvra Ghosh, J.)