

25.08.2025
SI No.22
Court No.16
(gc)

**FMA 449 of 2025
CAN 1 of 2025
CAN 2 of 2025**

**Kushal Sen
Vs.
Anupriya Dutta Roy & Anr.**

Mr. Sourav Sen, Sr. Adv.,
Mr. Alope Chatterjee,
Mr. Arghya Mullick,
Ms. Debdatta Manna

...for the Appellant.

1. The appellant is the father of the child. The mother of the child is presently residing at Hyderabad and the custody issue is pending before the Family Court at Hyderabad. The father has also filed an application for custody of the child. On an application filed by the father for transfer of the custody matter to the Family Court at Hyderabad, the learned Trial Court seems to have erroneously recorded the submission made on behalf of the wife as an observation of the Telengana High Court. Accordingly, the second page of the impugned order, the paragraph quoted as the observation of the Telengana High Court should be read as an allegation on behalf of the wife. However, the aforesaid change in the impugned order is not going to materially affect the merits of the order as the minor is residing within the jurisdiction of the learned Additional District &

Sessions Judge cum Family Court Judge at Sangareddy, Hyderabad, State of Telengana in Case No. GWOP No.7 of 2024 initiated by the respondent/wife is presently pending.

2. In view of the pendency of the appeal, leave is given to present the plaint filed before the learned Additional District Judge, 7th Court, Alipore, South 24-Parganas within three weeks from date.
3. We expect the father and the mother to behave responsibly in the proceeding pending before the learned Additional District & Sessions Judge cum Family Court Judge at Sangareddy, Hyderabad, State of Telengana in Case No. GWOP No.7 of 2024 keeping in mind the welfare of the child.
4. With the aforesaid observation, the appeal and the connected applications are disposed of.
5. Since no affidavit-in-opposition is filed, all allegations are deemed to have been denied.
6. However, there shall be no order as to costs.
7. Urgent Photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all necessary formalities.

(Soumen Sen, J.)

(Biswaroop Chowdhury, J.)