

24.06.2025
Court No.25
Item No.10
sudipta

**IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION
APPELLATE SIDE**

C.O. 1880 of 2024

**Samiran Das & Anr.
Vs.
Samir Baran Sen**

Mr. Sukumar Ghosh
Ms. Moumita Ghosh

...for the petitioners

Mr. Souvik Maji
Mr. Kaustav Seal
Mr. Saikat Koley

...for the opposite party

1. Affidavit of service filed. Let it be taken on record.
2. Learned counsel for the opposite party states that on 20th March, 2025 with the consent of the parties, a meeting was arranged at Haldia Court.
3. Learned counsel for the petitioners submits that the daughter of the petitioners, namely, Sayani Das, was married to opposite party in the year 2016. Out of the wedlock a child, namely, Saanjhranga Sen, was born in May 2019. Learned counsel for the petitioner states that in midst of the allegation against the members of the family of the opposite party, the daughter Sayani Das (Sen) died in December, 2023 while she was pregnant. In this regard a written complaint was made on which FIR

no. 415/2023 under Sections 498A/302/34 IPC was registered at Bhabanipur P.S., District Purba Medinipur. Learned counsel for the petitioners states that now the minor child is residing with the petitioners.

4. Learned counsel for the petitioner submits that now the opposite party filed an application under Section 25 of the Guardian and Wards Act, 1890, before the learned Additional District Judge, Haldia for the custody of minor child. Learned counsel for the petitioners submits that the petitioners being the sole caregiver have the responsibility of the said minor child. It has been submitted that, however, both the petitioners are aged and it is not possible for them to travel along with the minor child to Haldia. It has also been submitted that, therefore, the matter may be transferred to the Court of competent jurisdiction in Howrah.
5. Learned counsel for the opposite party states that the opposite party is suffering from severe lower back pain and it will be very difficult for him to travel to Howrah to prosecute the present case. Learned counsel submits that the allegations of murder against the opposite party are also false and frivolous.

6. This Court has considered these submissions. The present petition has arisen out of the peculiar facts and circumstances where allegedly the murder of the daughter of the petitioners is alleged to have been murdered.
7. This Court in this proceeding cannot go into such allegations, however, the Court has to see the wellbeing and comfort of the child. The opposite party has instituted the present proceedings. The minor child is in the custody of the grandparents. Purba Medinipur is around 119 kms away from Howrah and this will be difficult for the grandparents / petitioners to take the minor child to Haldia for trial. In such proceedings the welfare of the child is paramount. In the circumstances taking into account the wellbeing and welfare of the child, the guardianship case no. 07 of 2024 is withdrawn from the Court of learned Additional District Judge, Haldia and assigned to the Court of competent jurisdiction at Howrah.
8. The transferor court is directed to send entire case record to the transferee court.
9. The copy of this order be sent to the transferor court.
10. The present petition stands disposed of.

11. All parties shall act on the basis of the server copy of this order duly downloaded from the official website of this Court.

(Dinesh Kumar Sharma, J.)