

04.08.2025
Item No.27.
Court No.06.
S. De
265719

C.O. 2438 of 2024
With
I.A. No. CAN 1 of 2024
Kumar Raja Panda.
Vs
Smt. Ankita Panda.

Mr. Lakshminath Bhattacharyya,
Mr. Goutam Malik, ...for the petitioner.

Mr. Dhananjay Banerjee,
Mr. Pralay Hazra, ...for the opposite party.

This application under Article 227 of the Constitution of India is at the instance of the husband and is directed against an order dated April 2, 2024, passed by the Learned Additional District Judge, RD Court, Paschim Medinipur in J. Misc. Case No. 312 of 2023.

The learned counsel appearing for the petitioner submits that by an order dated March 14, 2024, this Hon'ble Court allowed the prayer of the opposite party for transfer of the matrimonial suit from the Court of the learned District Judge at Paschim Medinipur to the Court of the learned Additional District Judge at Kalyani, district Nadia. He further submits that after the order of transfer was passed, the learned Trial Judge could not have passed an order on the J. Misc. Case 312 of 2023.

The learned advocate appearing for opposite party seeks time.

After going through the materials-on-record, this Court finds that this matter was adjourned on February 18, 2025 and the parties were directed to come with definite instruction as well as statement in support of their respective claims. Today also, the opposite party prays for an accommodation.

However, after going through the materials-on-record, this Court finds that a co-ordinate Bench, by an order dated March 14, 2024, in C.O. No. 397 of 2023 allowed the prayer of the opposite party for transfer of the matrimonial suit no.976 of 2022 which is pending before the learned District Judge at Paschim Medinipur to the learned Additional District Judge at Kalyani, district of Nadia. The co-ordinate Bench observed that the application under Section 24 of the Hindu Marriage Act shall be disposed of within a period of three months from receipt of the records. Thus, it is evident from the order dated March 14, 2024 that the co-ordinate Bench directed the transferee Court to dispose of the application under Section 24 of the Hindu Marriage Act. However, subsequent to passing of the order by this Court in C.O. 397 of 2023, the impugned order has been passed by the learned Additional District Judge, RD Court, Paschim Medinipur.

This Court is of the considered view that after passing of the order dated March 14, 2024 in C.O. 397 of 2023, the learned Additional District Judge, RD Court, Paschim Medinipur lacked jurisdiction to pass an order on an application under Section 24 of the Hindu Marriage Act. For such reason, this Court is inclined to interfere with the order impugned at this stage.

Mr. Bhattacharyya, learned advocate appearing for the petitioner, on instruction, submits that the petitioner is paying a sum of Rs.14,000/- per month pursuant to the order passed in the proceeding under Section 125 of the Code of Criminal Procedure. He further submits that there is no default in paying the maintenance pursuant to the order passed in such proceeding. Such submission of Mr. Bhattacharyya is placed on record.

In view thereof, the order impugned dated April 2, 2024, passed by the learned Additional District Judge, RD Court, Paschim Medinipur in J. Misc. 312 of 2023 is set aside. The application under Section 24 of the Hindu Marriage Act is restored to the file of the learned Additional District Judge at Kalyani, district Nadia.

The learned Additional District Judge at Kalyani, district Nadia is requested to dispose of the application under Section 24 of the Hindu Marriage Act after

giving an opportunity of hearing to the respective parties and without granting any unnecessary adjournments to either of the parties as expeditiously as possible and preferably within a period of three months from the date of receipt of a server copy of this order.

With the above observation C.O. 2438 of 2024 stands disposed of along with the application being no. I.A. No. CAN 1 of 2024.

(Hiranmay Bhattacharyya, J.)