

Sl.5
18.08.2025
Court No.6
BP

C.O. 2860 of 2025

Monika Jana & Anr.
-versus-
Debaprasad Jana

Mr. N.G. Sarkar
Mr. Devranjan Das
... for the petitioners

This application under Article 227 of the Constitution of India is at the instance of the defendants and is directed against an order dated 20th May, 2025 passed by the learned Civil Judge (Senior Division), Kakdwip in Title Suit No. 110 of 2020.

The petitioners filed an application praying for recalling of the order dated July 30, 2024 and to examine Arabinda Jana and Purnendu Jana on dock after keeping them in a home controlled by the Central Government. Such application stood rejected by the impugned order.

The petitioner no.1 is the daughter of one Arabinda Jana and the petitioner no.2 is the wife of the said Arabinda Jana. Alleging that the Arabinda Jana and Purnendu Jana are suffering from mental disorder, the petitioners filed an application dated 6th June, 2024 praying for an order that Arabinda Jana and Purnendu Jana be treated at SSKM Hospital for getting the certificate of mental illness. The petitioners also prayed for treatment of Arabinda Jana and Purnendu Jana at SSKM

Hospital at Kolkata. However, when the said application was taken up for hearing on July 30, 2024 the petitioners prayed for an adjournment. The said Arabinda Jana and Purnendu Jana were present before the Court on July 30, 2024. The learned trial judge put questions to Arabinda Jana and Purnendu Jana in open court and Arabinda Jana expressed his unwillingness to go with his wife and daughter i.e. the petitioners herein and informed the court that he has been residing with his elder-brother on his own consent. The learned trial judge after examining the aforesaid persons in open court took note of the fact that the petitioners herein did not file any documents in support of their contention that Arabinda Jana and Purnendu Jana are suffering from any mental illness. On such ground the applications dated 28th April, 2023 and 6th June, 2024 were rejected. Thereafter the petitioners filed the instant application dated August 6, 2024 praying for recalling of the order dated 30th July, 2024 and to examine Arabinda Jana and Purnendu Jana on dock after keeping them in a home controlled by the Central Government. The learned trial judge after taking note of the fact that Arabinda Jana and Purnendu Jana appeared before the court on 30th July, 2024 and also that Arabinda Jana and Purnendu Jana are not parties to the suit observed that there is no relevance of the prayer of the petitioners for treatment of the aforesaid persons.

This Court finds that except the bald allegations of the petitioners that Arabinda Jana and Purnendu Jana are suffering from mental illness, no documents in support of such contention has been produced. Merely on the basis of such statements, the prayers of the petitioners could not have been allowed and were rightly rejected by the learned trial judge.

The learned trial judge assigned cogent reasons for rejecting the application dated 6th August, 2024.

This Court is not inclined to interfere with such order in exercise of powers under Article 227 of the Constitution of India.

Accordingly, C.O. 2860 of 2025 stands dismissed.

There shall be, however, no order as to costs.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Hiranmay Bhattacharyya, J.)