

CO 3928 of 2024**Mr. Saugata Sen**
vs.
Smt. Mita MoitraMr. Biswajit Sahoo
Ms. Sukla Das Chandra

....for the petitioner

Mr. Chinmoy Paul
Ms. Aditi Bhattacharyya
Ms. Arpita Palit
Mr. Archan Dutta

.....for the opposite party

Being aggrieved and dissatisfied with the order No. 38 dated 29.07.2024 and order No. 39 dated 26.09.2024 passed by the learned Additional District Judge, 13th Court, Alipore in the Act VIII, Case No. 72 of 2016, petitioner/father has preferred the present application.

It is submitted on his behalf that the petitioner that he filed two interlocutory applications before the learned Court below in the said Act VIII, Case No. 72 of 2016. In one application filed under Section 151 of the Code of Civil Procedure, the petitioner prayed for a direction upon the opposite party to disclose her present marital status as well as the present place of residence of the ward and by the second application, the petitioner prayed for another direction upon the opposite party to disclose the name of the school and in which class presently the ward is studying.

The opposite party herein by this time preferred a revisional application before this High Court being CO 3299 of 2023 and while disposing the said

application this Court directed the Trial Court to dispose of the Act VIII case strictly in accordance with law within six months from the next date.

After receiving the impugned order No. 38 dated 29.07.2024, the Court below observed that there is no room for hearing of any interlocutory applications and he rejected the same being infructuous and thereby he fixed a date for hearing the original Misc. case filed under Act VIII.

Being aggrieved by that order, the petitioner herein submits that the Court below arbitrarily rejected his interlocutory prayers holding that the applications have become infructuous. Accordingly, he prayed for setting aside the order.

Learned counsel appearing on behalf of the opposite party raised objection contending that as per direction of this High Court, the Court below rightly disposed of the said applications being infructuous and the order impugned does not call for interference.

I have considered the submissions made by both the parties. On perusal of the order dated 22.03.2024 it appears that this Court while disposing CO 3299 of 2023 had made a clear observation that the visitation should take place in the Chamber of the learned advocate for the petitioner on the first Saturday of every month and I am informed that said visitation is continuing in terms of the order passed by this High Court.

In my opinion, queries that has been raised in the said two interlocutory petitions can very well be communicated while the parties are visiting each other at the Chamber of the learned advocate as ordered by this Court. Moreover, it appears that this Court clearly observed in the said order that all the interlocutory applications filed by both the parties stand disposed of. This Court made specific direction to dispose of the impugned application for custody of the child filed under Act VIII within a time limit which is six months.

Having considered the aforesaid facts and circumstances of the case, I do not find that the order impugned calls for any interference by this Court, invoking this Court's jurisdiction under Article 227 of the Constitution of India.

Accordingly, **CO 3928 of 2024** stands **dismissed**.

However, the Court below is directed to conclude the proceeding filed by the petitioner under Act VIII at the earliest without granting any unnecessary adjournment to either of the parties, preferably within a period of six months from the communication of this order.

(Dr. Ajoy Kumar Mukherjee, J.)