

13.06.2025
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**CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
APPELLATE SIDE**

C.O. 74 of 2025

**Smt. Jhulan Mustafi @ Jhulon
-Vs-
Manik Mustafi**

Mr. Kalipada Das

... for the petitioner

The petitioner has made an application under Sections 6 and 8(2)(a) of Hindu Minority and Guardianship Act, 1956 read with Sections 7(1)(a) and 29(a) of the Guardian and Wards Act, 1890 before the learned District Judge, Jalpaiguri sometimes in the year 2023.

The case of the petitioner is that her husband namely, Bishu Mustafi, son of Late Khagendra Nath Mustafi died intestate on 4th December, 2019. The petitioner has prayed for sale of an immoveable property of her husband, which has devolved upon the petitioner and two minor children in equal proportion after the death of the petitioner's husband. The petitioner says that for meeting the educational expenses and other expenses for daily livelihood of the two minors, she intends to sell the immoveable property which

according to the petitioner was likely to fetch a sum of Rs. 14 lakhs in the year 2023. The petitioner has adduced evidence in support her claim.

It is submitted by the learned advocate for the petitioner that one further witness is required to be examined on behalf of the petitioner. The requisite and process fees as directed for the purpose of adducing one further witness was deposited and has been duly recorded in the order dated on 2nd July, 2024 but the learned trial Judge again on 5th August, 2024 had directed the petitioner to comply with the previous order for putting in the requisites and depositing the process fees. The petitioner is aggrieved by the said order.

Although, I do not find from any of the orders passed subsequent to 5th August, 2024 that evidence on behalf of the petitioner has been closed thereby debarring the petitioner from adducing any further evidence by examining another witness but the fact remains that no further evidence has been adduced since the matter was adjourned on the subsequent dates. The petitioner instead of filing this revisional application could have approached the trial Court pointing out the mistake and for recalling of the order, however, the petitioner has chosen to file the instant revisional application.

The revisional application, in the aforesaid facts and circumstances, is disposed of by directing the

learned District Judge, Jalpaiguri to dispose of the petitioner's application in accordance with law as expeditiously as possible since the same relates to the interest of two minor children. The learned District Judge, Jalpaiguri, if the petitioner so prays for, will allow the petitioner to adduce further evidence. No unnecessary adjournment should be granted.

The revisional application being C.O. 74 of 2025 is accordingly disposed of.

Urgent Photostat certified copy of this order, if applied for, be given to the parties, upon compliance of all formalities.

(**Arindam Mukherjee, J.**)