

JPD-17
Ct No.01
01.08.2025
TN

Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Side

CO 145 of 2025

Sri Sudipta Sengupta
Vs.
Smt. Antara Roy

Mr. Aniruddha Chatterjee, Ld. Sr. Adv.,
Mr. Avrojoyti Das,
Mr. Rajdeep Das

....for the petitioner

1. The prayer made in the present application under Article 227 of the Constitution of India is innocuous and, as such, prior notice on the opposite party is dispensed with.
2. By the impugned order dated July 19, 2025 passed in Act VIII Case No. 02 of 2025, the learned District Judge, Darjeeling has directed the petitioner-father's interim prayer for visitation/custody to be heard along with the main custody/guardianship application.
3. This was done pursuant to a direction by a coordinate Bench of this Court to expeditiously dispose of the main proceeding.
4. Learned senior counsel appearing for the petitioner argues that irrespective of the direction to dispose of the main matter, which can proceed in the meantime, the learned Trial Judge ought to

have disposed of the interlocutory application first.

5. From the impugned order, it transpires that the main matter has been fixed in the trial court on consecutive dates, being August 25, 26, 27 and 28, 2025, for evidence.
6. However, keeping in view that the final disposal of the main matter may still take some time despite consecutive dates for evidence being fixed, since further evidence and arguments will take place before final disposal, the ends of justice demand that the interlocutory application filed by the petitioner is disposed of prior to the main matter.
7. In any event, law demands that interlocutory applications have to be disposed of first before taking up the hearing of the main suit/proceeding.
8. Accordingly, CO 145 of 2025 is disposed of by requesting the learned District Judge at Darjeeling to dispose of the interlocutory application filed by the petitioner for custody/visitation in connection with Act VIII Case No. 02 of 2025 pending before the said court expeditiously, prior to disposal of the main Act VIII case, preferably within four weeks from the date of communication of this order to the said court.

9. It is made clear that nothing in this order shall prevent the learned District Judge from proceeding simultaneously with the hearing of the main matter expeditiously, pursuant to the earlier direction of the coordinate Bench.
10. There will be no order as to costs.
11. Urgent photostat certified copies of this order, if applied for, be given to the parties upon compliance of all formalities.

(Sabyasachi Bhattacharyya, J.)