

S/L 13
28.10.2025
Court No.1
(Susanta)

CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
CIVIL REVISIONAL JURISDICTION

CO 164 of 2025

Debabrata Dutta
Vs.
Susmita Dutta Kundu

Mr. Satyajit Pal
Mr. Rounak Ghosh

...for the Petitioner.

The petitioner is the husband of the opposite party, between them a proceeding under Section 125 of the Code of Criminal Procedure is pending before the jurisdictional Magistrate. The petitioner had taken out an application under Order VII Rule 11 of the Code of Civil Procedure for dismissal of the said application for maintenance.

The learned Magistrate by the impugned order has dismissed the said application with costs of Rs.5,000/-.

The petitioner aggrieved by the said order, particularly by the imposition of costs of Rs.5,000/- has preferred the present revisional application. Assailing an order passed by the Magistrate in a proceeding under Section 125 of the Code of Criminal Procedure in civil revisional jurisdiction is a misconceived action, however the order impugned does not call for any interference.

CO 164 of 2025 is dismissed without any order as to costs on the ground of maintainability as well as on merit.

Parties to act on the server copy of this order duly downloaded from the official *website* of this Court.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Biswajit Basu, J.)