

Present : **Soumitra Kumar Ganguly (J.O Code WB00983)**
ACJM, Tehatta, Nadia

M.R 58 of 2024

Order dated 07/08/2025

Today is fixed for hearing of petition dated 29/04/2025 filed by O.P.

Petitioner and O.P are present by filing hazira.

By filing verified petition dated 29/04/2025 the O.P has disputed that the petitioner was pregnant as per the medical report dated 29/05/2024 of Shushrasha Diagnostic.

During hearing the learned advocate for O.P points out from the affidavit of asset furnished by petitioner wherein it has been mentioned that date of separation is 18/11/2022.

It has been submitted by the learned advocate for O.P that the instant proceeding for maintenance initiated by the petitioner/wife is not maintainable.

Heard the learned advocates for both the parties.

On perusal of the materials on record and the petition challenging the maintainability of the instant case as filed by O.P it transpires that matter in dispute is a mixed question of facts and law which cannot be decided without the fact finding process of trial. Such dispute is not a law point which can be decided by hearing the petition and objection of the parties.

The petition dated 29/04/2025 filed by O.P is rejected.

The O.P appeared on 19/10/2024. No W/S has been filed till today by the O.P.

Let the case be fixed for ex parte hearing against O.P.

Fix **16/09/2025** for ex parte hearing.

Dictated & Corrected by me,

Sd/- S. K. GANGULY
Addl. Chief Judicial Magistrate,
Tehatta, Nadia