

Act VIII Misc. Case No. 15 of 2019

(CNR No.WBBK01-002644-2019)

Present: Sri Joyprakash Roy, Judge, Family Court, Bankura

(J.O. code: WB00831)

Order: 6

Date: 11.08.2025

Today is fixed for Counsellor's report.

Petitioner is present by filing hazira. O.P. has filed an adjournment petition praying for time on the ground stated therein.

On perusal of the plaint, it appears that the minor child whose guardianship is prayed for by her natural guardian father will attain her age of majority on 14.12.2025. Hence, the petitioner is asked whether he wants to proceed further in this case. As the Ld. Advocate for the petitioner submits that he should get visitation right in compliance with the earlier order passed in this case.

As both the parties as well as the minor child are residing within the jurisdiction of Bishnupur Sub-Division, beyond the territorial jurisdiction of this court, the suit is fixed for hearing on the point of jurisdiction.

Heard both sides. Considered.

Since after this newly created Family court has started functioning from 07.12.2023, the suits or proceedings of the nature specified u/s 7 of the Family Courts Act are being transferred/sent to this court in view of Section 8 of the said Act. Accordingly, this case regarding custody of minor under the provisions of the Guardians and Wards Act, originally filed before the Court of the Ld. District Judge, Bankura, being the Principal Civil Court of the District u/s 9 of the Guardians and Wards Act, has also been transferred to this Family Court.

However, the territorial jurisdiction of this Family Court does not extend to the entire district, but limited only to the District Headquarters Area being Bankura Sadar Sub-Division, vide Notification No.1205-JL, dated 24-01-2024 issued by the Government of West Bengal. Therefore, this court has no territorial jurisdiction over the area falling under the jurisdiction of Bishnupur and Khatra Sub-Division.

Although the subject matter or nature of the present proceeding comes within the cases specified u/s 7 of the Family Courts Act, this court has no territorial jurisdiction to hear the present suit, as the minor child is residing within the jurisdiction of Bishnupur Sub-Division. As to be a court of competent jurisdiction, it must have both the subject matter related jurisdiction as well as the territorial jurisdiction. The provisions of the Family Courts Act are also very clear in this regard. It is clearly provided u/s 7 (1) (b) of the said Act that a Family Court shall be deemed to be a District Court or subordinate Civil court for the purpose of exercising jurisdiction only "for the area to which the jurisdiction of the Family Court extends". Similarly, Section 8 of the Act excludes the jurisdiction of the District Court or other

Sub-ordinate Civil Court only in relation to such area, where a Family Court has been established for any such area.

In view of the above, this court is of the view that this Family Court has no territorial jurisdiction to proceed with the present case, and therefore this case record should be sent back to the Court of the Ld. District Judge, Bankura for further proceeding.

Accordingly, let this case record be sent back to the Court of Ld. District Judge, Bankura. Parties are directed to appear before the Court of Ld. District Judge, Bankura on **15.09.2025**.

Dictated & Corrected by

Judge,
Family Court, Bankura

Judge,
Family Court, Bankura
(J.O. code: WB00831)