

Act VIII – 03/2024 (Reg 27/2018)

Sri Ghanashyam Barman Vs. Sri Mamata Das (Barman)

Present: Sri Arindam Datta (WB00948)

Judge, Family Court, Tamluk, Purba Medinipur

Order no 35, dated 21.11.2025 :

Today is fixed for hearing on the point of territorial jurisdiction.

Both parties are present today.

Record is taken up for hearing.

Perusal of the application in the instant case, filed at the behest of the petitioner/father reveals that the minor child, resides with his mother, who is a resident of Bhabanipur P.S. under the jurisdiction of Haldia sub-division. It is pertinent in this respect to point out to section 9(1) of the Guardians and Wards Act, which clearly provides that an application for guardianship of the person of the minor shall be made to the District Court having jurisdiction in the place where the minor ordinarily resides. Admittedly, the residence of the minor child, who is presently in custody of his mother i.e. the respondent, is within the jurisdiction of Haldia sub-division. The both parties present before this court admit the same. The jurisdiction of this Court is limited to the local limits i.e. District Headquarters only which is Tamluk, as per Memo No. 263-A, dt. 16.01.2024 of the Registrar General, Hon'ble High Court, Calcutta.

The instant case was initially filed on 03.10.2018 before the Ld. District Judge, Purba Medinipur. Thereafter, it was transferred to this newly created on 02.05.2024. In these circumstances, the instant case cannot be proceeded with for want of jurisdiction and the same may be placed before the Ld. District Judge, Purba Medinipur.

Bench Clerk to comply and note in the register accordingly.

Both sides are directed to appear before the Ld. District Judge, Purba Medinipur on the next date fixed.

Fix 18.12.2025 for appearance of both sides before the Ld. District Judge, Purba Medinipur.

Self-typed & corrected by me

Sd/-
Judge, Family Court,
Tamluk, Purba Medinipur

Sd/-
Judge, Family Court,
Tamluk, Purba Medinipur