

IN THE COURT OF DISTRICT JUDGE, NORTH 24 PARGANAS AT BARASAT

Present :

Sri Indranil Bhattacharyya (JO Code: WB-01135), District Judge, North 24 Pgs.

Misc. Case No.81 of 2025 (Act-VIII)

Order no.03 dated 03.07.2025

Today is fixed for hearing on the point of jurisdiction.

Hazira has been filed on behalf of the petitioner through her Ld. Advocate.

Now, the matter is taken up for hearing on the point of jurisdiction.

Heard and considered.

It has been contended on behalf of the petitioner that her minor daughter has been ordinarily residing at the address at RG/30 A, Sarkar Bagan, Rupa Factory, Raghunathpur, VTC, Rajarhat Gopalpur(m), P.O. Raghunathpur, District : North 24 Parganas, West Bengal, Pin Code : 700059 which has been mentioned in the Aadhaar Card of the minor Khyati Barua. It has also been contended that the minor has been studying at Annada Sundari Hindu Balika Vidyapith being a Govt. sponsored H.S. school at Deshbandhunagar, Kolkata-700 059 and she has been pursuing computer training at Webel Technology Limited, Salt Lake, Kolkata, in and around the residence where she had been residing with her mother at Sarkar Bagan, Raghunathpur, and considering this particular place of residence very much within the jurisdiction of this Court the instant Misc. Case under the provision of Section 25 of the Guardians and Wards Act, 1890 may be filed and the application as filed may be admitted.

None is present to oppose the application.

Upon perusal of the application under Section 25 of the Guardians and Wards Act, 1890 and after going through the documents as submitted on behalf of the petitioner and considering the submissions of the Ld. Advocate appearing on behalf of the petitioner, it appears to this Court that to decide the issue of jurisdiction point it is to be considered that as per the provision of section 9 of the Guardians & Wards Act, 1890, the application in respect to the guardianship of the present minor is to be made to the District Court having jurisdiction where the minor ordinarily resides.

In the present case, it appears that at present the minor, in respect of whom the application under Section 25 of the Guardians and Wards Act, 1890 has been filed, is not residing at the place within the jurisdiction of this

Court as per pleading. It also appear that at present she is residing out of the jurisdiction of this Court. However, to consider and adjudicate the issue regarding jurisdiction point, it should be primarily considered what should be the place “where the minor ordinarily resides”. The phrase ‘Ordinarily resident’ means where the minor has been residing for a continuous period and having her all activities being continued under the custody of such person who is the resident of that particular place.

In the present case in hand, the place of jurisdiction is within the jurisdiction of North 24 Parganas, the permanent residence of the petitioner with whom this minor had been residing there till sometimes back and the documents as submitted also show the place of residence of the minor is within the jurisdiction of this Court, but this place of residence is definitely has a different meaning than “residence at the time of application”. It appears from the case record and the pleading and also from the submission of Ld. Advocate for the petitioner, at present the minor is out of that residential jurisdiction where she had been residing for a considerable long period as transpired from various documents of identity proof of the minor like, Aadhaar Card, school progress report, etc.

In the backdrop of the above, it is the view of this Court that “ordinarily resident” has a different meaning than the “residence at the time of application”. Though the present residence of the minor is outside the jurisdiction of this court, but, since from the application, it is well transpired that her regular place of residence is very much within the jurisdiction of this district Court, i.e. the District North 24 Parganas, there should not be any dispute to consider this place of residence where the minor ordinarily resides.

In view of that, the application as filed under Section 25 of the Guardians and Wards Act, 1890 is very much within the territorial jurisdiction of this Court.

Thus, this application is maintainable and the same be fixed for steps on behalf of the petitioner.

Fix 11.09.2025 for steps.

Dictated & Corrected by me,

District Judge,
North 24 Parganas

District Judge,
North 24 Parganas

