

Mat Suit-99/2022
CNR No.WBUD05-001312-2022

Present : Sri Lilamoy Mondal(J.O.Code WB 00911)
 Additional District Judge
 2nd Court, Islamlpur, U/Dinajpur.

Order No.06 dt. 23.03.2023

Today is fixed for hearing of the petition under Order 7 rule 11 of CPC.

Petitioner and respondent are present by filing hazira.

Ld. Advocates for the petitioner and respondent are also present.

Ld. Advocate for the husband submitted that wife did not mention the place of solemnization of marriage in the plaint. She mentioned two addresses in the cause title of the plaint. She also admitted that she lastly resided with her husband till 2021 at Bagda, district 24- Parganas (North). So, this court has no territorial jurisdiction to deal with this case.

Ld. Advocate for the wife submitted that wife is the permanent resident of Collegepara, Islampur, district Uttar Dinajpur. But at present she is residing at Bajetpur, Bagda, district 24- Parganas (North) along with her daughter for the purpose of her daughter's education. Ld. Advocate submitted the photocopies of Voter ID card and Aadhaar card showing the residential address of wife. So he submitted that this court has jurisdiction to deal with this case.

After hearing both the sides, it appears to me that wife is the permanent resident of Collegepara, Islampur, Uttar Dinajpur. Section 19 (iii a) lays down that the matrimonial suit can be filed in case the wife is the petitioner, where she is residing on the date of presentation of the petition. She submitted the affidavit along with the plaint stating her address as Collegepara, Islampur, Uttar Dinajpur. Here in this case in hand, the wife presented this matrimonial suit against her husband praying for divorce and she submitted the photocopies of her Voter ID card and Aadhaar card showing her residential address at Collegepara, Islampur, Uttar Dinajpur which is under the jurisdiction of this court. So, this court has jurisdiction to deal with this suit.

Hence, it is

O R D E R E D

that the petition under Order 7 rule 11 of CPC dated 23.02.2023 filed by husband is rejected on contest without any order as to cost.

Fix. 26.04.2023 for filing W.S by husband.

D/C by me,

Additional District Judge

Additional District Judge
2nd Court, Islampur, U/Dinajpur.