

CRR No. 4008 of 2024

In the matter of : Kanika Safui @ Konika & Ors.
..... petitioners.

Mr. Pritam Roy
Ms. Arushi Rathore
Mr. Sayan Mukherjee
Ms. Triparna Roy ...for the petitioners.

The 1st petitioner is the wife of Rana Safui (since deceased), the 2nd petitioner is his mother and 3rd and 4th petitioners are his daughters.

The petitioners seek quashing of complaint case being AC-1548 of 2024 pending before the learned Judicial Magistrate, 6th Court, Alipore filed by the opposite party who claims to be the 2nd wife of the deceased.

The complaint demonstrates that the petitioners have misappropriated the property left by the deceased by practising fraud and mis-representation and mis-leading the Court.

Learned counsel for the petitioners submits that the deceased filed a divorce suit against the 1st petitioner being MAT 20 of 2010 which was initially decreed ex parte. On an application filed by the 1st petitioner under Order 9 Rule 13 of the Code of Civil Procedure, the ex parte order was set aside. The MAT suit filed by the deceased was

dismissed for non prosecution on prayer of the 1st petitioner upon death of Rana Safui. Therefore the marriage between the deceased and the 1st petitioner subsists.

Upon perusal of the material on record this Court is of the view that the matter needs to be heard on merits.

The petitioners are directed to serve copy of the application along with all annexure thereto upon the opposite party and file affidavit of service on the adjourned date.

Let the matter appear under the heading “Contested Application” in the monthly list February, 2025.

Further proceedings of Complaint Case No. AC-1548 of 2024 pending before the learned Judicial Magistrate, 6th Court, Alipore be stayed till 28th February, 2025 or until further orders, whichever is earlier.

Urgent certified website copy of the order, if applied for, be given to the parties on compliance of requisite formalities.

(Suvra Ghosh, J.)