

26.9.2024
Sl. No.28
Court no.III
nb

CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI

C.O.173 of 2024

Dilip Sharma
Vs.
Puja Agarwala @ Puja Sharma

Mr. Arnab Saha
..... for the petitioner.

The instant C.O. has been preferred against the order date 31.8.2024 passed by the learned Additional District Judge, 2nd Court at Siliguri in connection with Miscellaneous Case No.05 of 2023 under Section 24 of the Hindu Marriage Act, 1955 arising out of Matrimonial Suit No.146 of 2018 pending before the learned Additional District Judge, 2nd Court at Siliguri.

It is the submission of the learned advocate for the petitioner that on the earlier occasion the petitioner has approached before this Court against an arbitrary order of the learned Court under Section 24 of the Hindu Marriage Act. The co-ordinate Bench of this Court on July 25, 2024 in C.O. 65 of 2024 has specifically directed the learned Trial Court concerned to dispose of the application according to the provision of law enumerated by the Hon'ble Supreme court in **Rajnish Vs. Neha**. It is the case of the petitioner that the impugned order dated August 31 of 2024 is not

followed directives of the Hon'ble Supreme Court passed in **Rajnish Vs. Nena**. It has been further alleged by the learned counsel for the petitioner that petitioner has tried to file awritten objection against the petition under Section 24 of Hindu Marriage Act, but written objection was not accepted by the learned Court below. The petitioner has taken ground on affidavit at paragraph 22 of the instant C.O. It has further been argued on behalf of the petitioner that no written objection has even been allowed to be filed by the Court against the application under Section 24 of the Hindu Marriage Act.

Considering the arguments at , paragraph 22 of the instant C.O., also considering the submission made on behalf of the petitioner, it requires to determine the matter by calling upon the Trial Court record from the learned Court of Additional District and Sessions Judge, Siliguri. I find prima facie justification to entertain the instant C.O.

C.O. be admitted.

Petitioner is directed to server copy of C.O. upon the opposite party through registered post and file affidavit of service before this court.

Let the TCR reached to this Court within next available Circuit.

Department to do the needful

Let the matter appear in the list on November 6
of 2024.

(Subhendu Samanta, J.)