

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 7190 OF 2016
[@ SPECIAL LEAVE PETITION (C) NO. 19863 OF 2016]

SUZANNE FARISHA SYIEM DUTT

Appellant(s)

VERSUS

SABYASACHI DUTT

Respondent(s)

J U D G M E N T

KURIAN, J.

1. Leave granted.

2. The short question involved in this appeal is of jurisdiction of the court in the matter of custody of a minor child. This question is now pending before the District Judge, Alipore, South 24 Parganas, Kolkata.

3. Since we propose to direct the District Judge to first go into the question of jurisdiction, we refrain from referring to the factual or legal aspects of the matter. Therefore, this appeal is disposed of with a direction to the District Judge, Alipore, Kolkata to first decide the question of jurisdiction of the Court in dealing with the matter under Section 25 of the Guardians and Wards Act, 1890.

4. It is made clear that while taking the decision, as above, the contention raised by the appellant herein that the jurisdiction will have to be considered in terms of Section 9, will also be gone into.

5. Since the next date of hearing before the District Judge is 06.08.2016, the District Judge is directed to finally hear and dispose of the application(s) within two weeks thereafter.

6. With the above observations and directions, the appeal is disposed of.

No costs.

.....J.

[KURIAN JOSEPH]

.....J.

[ROHINTON FALI NARIMAN]

New Delhi;
August 01, 2016.

JUDGMENT