

**HIGH COURT OF TRIPURA
AGARTALA**

**CRP No.52 of 2024
CRP No.53 of 2024**

Debabrata Das

.....Petitioner(s);

Versus

Smt. Nipa Das Baishnab

.....Respondent(s)

For Petitioner(s) : Mr. Dibyendu Sarkar, Advocate,
Mr. Ankan Tilak Paul, Advocate.

For Respondent(s) : None.

HON'BLE THE CHIEF JUSTICE MR. APARESH KUMAR SINGH

Order

05/07/2024

Heard Mr. Dibyendu Sarkar, learned counsel for the petitioner.

2. Parties in both the revision petitions are the same spouses. CRP No.52/2024 arises out of T.S. (Divorce) 498 of 2019 instituted by the respondent-wife herein. CRP No.53/2024 arises out of T.S. (RCR) 47 of 2021 instituted by the petitioner-husband.

3. By the impugned orders of the same date 12.12.2023, the learned Trial Court refused to grant further adjournment to examine the same witness DW-2 in T.S. (Divorce) 498 of 2019 and PW-2 in T.S. (RCR) 47 of 2021 for identical reasons. Petitioner had taken a plea that DW-1 and DW-3, common witnesses in both the suits on behalf of the petitioner-husband, were examined on the said date, but petitioner sought further adjournment to examine DW-2 Sri Santosh Debnath as he had gone to CMC, Vellore for treatment. The learned Court held that the divorce suit is pending for four years and there is no reason to adjourn the matter on such request as the party wants to drag the suit.

4. Similarly, in T.S. (RCR) 47 of 2021, such prayer was declined whereas the other two witnesses Dr. D. Das and Sri Amal Ch Das had been duly examined, cross-examined and discharged as PW-1 and PW-3 in the said suit.

5. Learned counsel for the petitioner submits that the delay in approaching this Court against the impugned orders is on account of factors which were beyond the control of the petitioner. Petitioner is a government servant. The learned counsel representing the petitioner was changed later on 05.02.2024. Thereafter, on his advice the order has been challenged. In the meantime, petitioner's father also passed away on 19.02.2024. Thereafter elections intervened. As such, the petitioner has not committed any deliberate delay in approaching this Court by these revision petitions filed on 20.06.2024 and 27.06.2024 respectively. The proceedings before the Family Court in both the suits are pending. Therefore, one indulgence may be allowed to the petitioner to adduce the same witness in both the suits as DW-2/PW-2 respectively.

6. I have considered the submission of learned counsel for the petitioner and taken note of the materials placed before record. I have also gone through the impugned orders.

Both the suits are pending since 2019 and 2021 respectively. Petitioner though sought to adduce his defendant/plaintiff witnesses as back as 12.12.2023 which was declined, but without any valid reason chose to sit over the matter and has preferred these revision petitions on 20.06.2024 and

27.06.2024 more than six months after the passing of the impugned orders. The Family Courts are under an obligation to conclude the proceedings in an expeditious manner and preferably within a period of six months as per the provisions of the Hindu Marriage Act, 1955. Proceedings of the suit obviously have advanced since defendant witnesses had also been closed in T.S. (Divorce) 498 of 2019. As such, this Court is not inclined to grant any further indulgence to the petitioner for adducing evidence at the fag end of the trial. The instant petitions are accordingly dismissed.

7. Pending application(s), if any, shall stand disposed of.

(APARESH KUMAR SINGH), CJ

Pijush/

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