

GAHC010050152024



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : CRP(IO)/60/2023

SANCHITA ROY
W/O- SRI RABINDRA CHANDRA PAUL

D/O- SRI SURJENDU BIKASH ROY

RESIDENT OF HOUSE NO. 38
BYE LANE NO. 4

PAHARTALI
KALAPAHAR
P.O.- BINOVA NAGAR

GUWAHATI- 781018
ASSAM.

VERSUS

RABINDRA CHANDRA PAUL
SON OF LATE JITENDRA CHANDRA PAUL

FLAT NO. C-I
HOUSE NO. 31
BLOCK-A

BHASKAR NAGAR
P.O.- BINOVA NAGAR

GUWAHATI- 781018
ASSAM.

For the Petitioner(s)	: Mrs. R. Choudhury, Advocate : Ms. S. Sharma, Advocate
For the Respondent(s)	: Mr. A. K. Purkayastha, Advocate

**BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH**

ORDER

Date : 03.04.2024

1. This is an application filed under Article 227 of the Constitution challenging the order dated 04.02.2023 passed in F.C.(Civil) Case No.142/2018 whereby the Petition filed bearing No.862-A/2022 for allowing the Petitioner to exhibit documents as Exhibit-J & Exhibit-K was rejected.
2. This Court has perused the order dated 04.02.2023 wherein the Respondent herein who was the Opposite Party in the said proceedings had objected to the said application on the ground that as the Opposite Party has already been granted the consent for the decree for divorce as prayed by the Petitioner, the said application should not be permitted as it would prejudice the Opposite Party/Respondent in the said proceedings.
3. It also appears that the learned Trial Court had observed in the impugned order that the Petitioner had submitted Xerox copies of both the documents and on account of the said fact, the said Xerox copies of the documents are not admissible in evidence for which the said petition was rejected.
4. This Court had made a pointed query upon Mrs. R. Choudhury, the learned

counsel for the Petitioner as to whether the Petitioner herein has the original copies of Exhibit-J and Exhibit-K. The learned counsel submitted that the Petitioner has the original copies of Exhibit-J and Exhibit-K. Taking into account that the only ground on which the application was rejected was that the petitioner placed the Xerox copies of the documents as Exhibit- J and Exhibit-K and as the Petitioner has the originals of Exhibit-J and K, it is the opinion of this Court the Petitioner may be permitted to adduce the exhibited documents i.e. prescription and ultrasound report as Exhibit-J and Exhibit-K provided the Petitioner produces the same before the learned Trial Court.

5. This Court has duly taken note of that vide an order dated 03.03.2023, this Court had stayed the further proceedings of F.C.(Civil) Case No.142/2018 pending before the Court of the Principal Judge, Family Court No.III, Kamrup (M) at Guwahati. The said order stands vacated and the parties are directed to appear before the learned Trial Court on 15.05.2024 and the Petitioner is given the liberty to file afresh an application before the learned Trial Court on that date thereby enclosing the originals of prescription and the ultrasound report which the Petitioner wishes to exhibit as Exhibit-J and Exhibit-K. This Court directs the learned Trial Court that in the circumstance, such application is filed with the original documents, the same be permitted to be exhibited subject to such objections (if any) which the Respondent herein would be at liberty to put. It is further made clear that if any objection is put to the said documents, the said exhibited documents be exhibited as under objection and be appreciated at the time of final disposal of the suit. The Respondent herein would be at liberty to cross-examine on the said documents.

6. This Court further makes it clear that the order passed herein would not

prejudice the defence of the Opposite Party/ Respondent herein in the trial proceedings.

7. With above observations and directions, the instant petition stands disposed of.

JUDGE

Comparing Assistant