

GAHC010096852024



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

Case No. : CRP(IO)/162/2024

SMTI. ANUPAMA SAHA
D/O KRISHNA DAS SAHA, W/O SWAPAN SAHA, R/O WARD NO. 7,
BILASIPARA TOWN, P.O. AND P.S.-BILASIPARA, DIST- DHUBRI (ASSAM),
PIN NO-783348

VERSUS

SWAPAN SAHA
S/O LATE BINAY KRISHNA SAHA, R/O WARD NO. 9, GAURIPUR TOWN, P.O.
AND P.S.-GAURIPUR, DIST- DHUBRI (ASSAM), PIN NO. -783331

Advocate for the Petitioner : MR. P P DAS

Advocate for the Respondent :

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

15.05.2024

Heard Mr. S Das, learned counsel for the petitioner.

This is an application under Article 227 of the Constitution of India challenging the orders dated 19.02.2024 and 15.03.2024 passed by the learned Principal Judge, Family Court, Dhubri in F.C. T.S. (D) No. 78/2022.

The respondent filed a divorce proceeding against the present petitioner in the Family Court at Dhubri. The respondent filed evidence-on-record but the petitioner could not cross examine the witnesses of the respondent. The petitioner could not even examine the witnesses on her behalf also. Ultimately, the Court posted the matter for passing judgment.

I have considered the submission made by Mr. Das. Also I have considered the circumstances leading to filing of the revision petition.

I am of the considered opinion that the petitioner should be given an opportunity to examine the witnesses of the respondent side and she should also be given an opportunity to examine herself and her witnesses.

Therefore, the impugned orders dated 19.02.2024 and 15.03.2024 passed by the learned Principal Judge, Family Court, Dhubri in F.C. T.S. (D) No. 78/2022 are set aside. The trial court is directed to give an opportunity to the present petitioner to cross-examine the witnesses of the respondent side as well as to examine herself and her witnesses. Thereafter, the court shall proceed to dispose of the matter in accordance with law.

The civil revision petition is disposed of.

JUDGE

Comparing Assistant