

Party Name : DURJA DAS Vs SMT. ITY RANI KAR (DAS)

HONBLE THE CHIEF JUSTICE DEEPAK GUPTA

This petition is directed against the order dated 6.4.2015 whereby the learned Sessions Judge, Khowai, West Tripura allowed the revision petition filed by the wife and permitted her an opportunity to examine two witnesses namely Sri Srinivas Sarkar and Sri Amar Chakraborty.

The grievance of the petitioner-husband appears to be that the respondent-wife has been permitted to lead evidence without her filing a list of witnesses. These are proceedings u/s 125 of the Cr.P.C and there is no requirement that list of witnesses is to be filed.

The order passed by the learned Sessions Judge is an order within his jurisdiction. He has exercised his discretion in favour of the respondent-wife permitting her to examine two more witnesses. She may have examined 4 witnesses earlier on various dates but she, in my opinion, should not be denied the opportunity to examine these two witnesses.

It is next contended by Sri Arijit Bhowmik that the petitioner is being permitted to lead evidence without filing a list of witnesses and, therefore, prejudice is caused to the husband in as much as he is unaware who are the witnesses. As far as these two witnesses are concerned, even in the order of the learned Additional Sessions Judge they are named. The order was passed on 06th April, 2015. Thereafter the parties were directed to appear before the learned trial Court on 30th April, 2015 and now I am told that the case has been fixed on 18th June, 2015 for the examination of these witnesses. The husband is well aware of the names of these witnesses and, therefore, now he can complain of no prejudice as far as these witnesses are concerned. Therefore, the petition is rejected.

However, it is made clear that now the wife shall not be permitted to examine any other witnesses other than the two for whom special permission has been granted.

Petition is disposed of.