

**THE HIGH COURT OF TRIPURA
AGARTALA**

CRL. PETN. 27 OF 2015

Sri Tarit Mohan Pal,
Son of Late Manindra Pal,
Amarpur Tri-Junction,
P.O. Amarpur,
P.S. Birganj, District- Gomati,
Tripura-799101.

..... *Petitioner.*

- *Vs* -

Smt. Jayanti Pal (Choudhury)
Wife of Sri Tarit Mohan Pal,
Daughter of Sri Kanti Ranjan Choudhury,
Subhasnagar, P.O. East Pratapgarh,
P.S. East Agartala,
District- West Tripura-799004.

..... *Respondent.*

**BEFORE
HON'BLE THE CHIEF JUSTICE MR. DEEPAK GUPTA**

For the petitioner : Mr. R. Chakraborty, Advocate.

For the respondent : Mr. S. Lodh, Advocate.

Date of hearing & delivery
of Judgment & order : **29.07.2015.**

Whether fit for Reporting : **No.**

JUDGMENT & ORDER (ORAL)

This petition has been filed for setting aside the order dated 11.06.2015 whereby the prayer of the petitioner (hereinafter

referred to as the 'husband') for adjournment of the case was rejected and his evidence was ordered to be closed.

2. The wife filed a petition under Section 125 Cr.P.C for maintenance and in this maintenance proceeding she was examined on 15.05.2015 and, thereafter, the case was fixed for recording the statement of the husband and his witnesses on 11.6.15. On this date, the husband filed an application for adjournment of the case. He was not present but this application was rejected by stating that the grounds stated are not satisfactory.

3. This was the first date granted to the husband for leading his evidence and I am clearly of the view that the learned Family Judge should have granted at least one more opportunity to the husband and should not have closed the evidence on the first date itself.

4. In this view of the matter, the order dated 11.6.15 is set aside. The husband is granted one more opportunity to lead evidence. From the record, I find that the case is now listed on 31st July, 2015 before the Family Court. On that date, both the parties shall appear before the Judge, Family Court, who shall give a date in the month of August, 2015 for recording the statement of the husband. Only one date shall be given and the husband must be present along with his witnesses on the said date, failing which the

Family Judge will not grant any further opportunity to the petitioner-husband and shall decide the case on merits.

5. With these observations, the instant petition is disposed of.

CHIEF JUSTICE