

05.03.2021
unlisted
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C.O. No. 529 of 2021

**Gautam Shroff alias Gautam Roy Govind Shroff
Vs.
Chitra Adhikari**

Mr. Surajit Nath Mitra,
Mr. Tanmoy Chakraborty,
Ms. Ritika Shroff

...for the Petitioner.

Mr. Saptangshu Basu,
Ms. Sukanta Chakraborty,
Mr. Anindya Halder

...for the Opposite Party.

This revisional application has been filed challenging the order dated February 23, 2021 and the order dated February 26, 2019 passed by the learned Additional District Judge, 11th Court at Alipore in Misc. Case No.19 of 2014 arising out of MAT Suit No.18 of 2017. Although the same is not in the list, the application is taken up for hearing with the consent of the parties and treated to be as on day's list.

The petitioner is aggrieved because the learned Court below closed the cross-examination of the PW1 although, the petitioner could not complete the cross-examination on the documents that were tendered by the opposite party/wife.

Mr. Mitra, learned Senior Advocate appearing on behalf of the petitioner, submits that some more time was required by

the petitioner to complete the cross-examination otherwise, the closure of the cross-examination, hurriedly in order to comply with the directions of this Court, would amount to travesty of justice.

Mr. Saptangshu Basu, learned Senior Advocate appearing on behalf of the wife, submits that the application for maintenance *pendente lite* has been pending before the learned Court below since 2014 and on some plea or the other the petitioner has avoided to complete the proceedings expeditiously and has tried to drag the proceedings as also the cross-examination of the opposite party/wife.

Mr. Mitra vehemently opposes such contention of Mr. Basu.

It also appears from the records that after the closure of evidence of the PW1, the petitioner filed an application for recalling of the order dated February 23, 2021. The said application was rejected by an order dated February 26, 2021.

Having heard the rival contentions of the respective parties, this revisional application is disposed of with a direction upon the learned Court below to allow five days time from the next date fixed.

Mr. Basu has undertaken he will ensure that the PW1 shall be present in the Court so that day to day cross-

examination can be completed within five consecutive days upon the Court allowing at least two hours time to the petitioner on each day to complete the cross-examination. Upon such completion of cross-examination, the evidence of the opposite party will be conducted expeditiously and the entire proceeding should be disposed of within a period of two months from date. The time limit fixed herein will be treated as mandatory. This order is passed in the presence of both the parties.

The revisional application is disposed of.

There will be, however, no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the parties on priority basis.

(Shampa Sarkar, J.)