

28.1.2022
SL No.19
Court No.8
(gc)

C.O. 186 of 2019

Smt. Kanaklata Adak (Bera)

Vs.

Samik Kumar Adak

(Through Video Conference)

Mr. Kaushik Dey,
...for the Petitioner.

Being aggrieved and dissatisfied with the Order No.11 dated 6th December, 2018, the present revisional application has been filed by the wife/petitioner. By the impugned order, the learned Trial Court was pleased to close the evidence of wife/petitioner. The petitioner's case in the matrimonial suit being MAT Suit No. 427 of 2018 is that the marriage between the petitioner and the opposite party was solemnized on 9th December, 2012 according to Hindu Rites and customs at the paternal house of the petitioner/wife and at the time of marriage as per the demand several articles were also given. The petitioner/wife is an Assistant Teacher in Chemistry of Uchitpur Sushila Kanya Vidyalaya which is about 60 K.M. away from her matrimonial home and she has to travel for almost 6 hours for attending the school. The opposite party/husband is an Assistant Agronomist in Department of Agricultural, Government of West Bengal. The

petitioner's further case is that the opposite party/husband and his family member always treated her badly and also used to abuse her with filthy languages and also used to insult her every now and then.

For the aforesaid reasons, the petitioner/wife was not allowed to enter her matrimonial home while returning from her father's house at the time of "Bhai Phota" occasion and subsequently on 23rd June, 2018, she received requisite documents regarding Matrimonial Suit No.427 of 2018, wherefrom she came to know that opposite party has filed the matrimonial suit praying for a decree of divorce on the ground of some incorrect allegations. Even after receiving such notice, the petitioner went to her husband's house for making reconciliation in order to resolve the matter and for resumption of normal conjugal life but the opposite party/husband had misbehaved with the petitioner/wife. Thereafter, the petitioner filed written complaint before Kotwali Police Station under Section 498A/325/307 of I.P.C. and Section 3/4 of Dowry Prohibition Act. The petitioner always tried to save her marriage and for that reason although the petitioner was treated with cruelty but for a long time she did not take any penal action.

However, the petitioner had entered appearance in the said Matrimonial suit and was contesting the

suit by filing written statement denying all material allegations made in the plaint and the petitioner/wife has already prepared her affidavit in chief and is ready and willing to file the same before the learned Court below and is willing to contest the said suit. On 6th December, 2018, an adjournment was sought for on behalf of the petitioner as petitioner's advocate went to Hon'ble High Court and was not available before the Trial Court on that particular day. But the learned Court below rejected the said prayer for adjournment and was further pleased to close evidence and fixed a date for hearing of argument. It further appears that since then hearing of the Matrimonial Suit No.427 of 2018 is stayed by the order of this Court.

In view of the aforesaid facts and circumstances of the case, it appears to me that if the petitioner's/wife's prayer for adducing evidence is allowed, the highest prejudice that may cause to husband/opposite party will be that the matrimonial suit would be disposed of on merit after contested hearing and nothing more.

Accordingly, I am inclined to dispose of the revisional application with a direction upon the Trial Court to give an opportunity to the wife for adducing evidence on her behalf and in spite of getting such opportunity, if the petitioner/wife failed to adduce

evidence on her behalf on the date fixed, learned Trial Court will be at liberty to dispose of the case in accordance with law.

The learned Trial Court is further directed to make every endeavour for reconciliation of the parties before final disposal of the suit on merit.

The impugned order is set aside.

The revisional application, being C.O. 186 of 2019 stands disposed of.

All parties shall act on the server copies of this order duly downloaded from the official website of this Court.

(Ajoy Kumar Mukherjee, J.)