

03.02.2022
Ct. 21
D/L 7
ab

C.O. 1408 of 2021
(Via Video Conference)

Shreyasi Dey
-Vs-
Arijit Dey

Mr. Partha Pratim Roy,
Mr. Dyutiman Banerjee,

... for the petitioner

Mr. Soumen Dutta,
Mr. Pinaki Brata Ghosh,
Mrs. Priti Jain,

... for the opposite party

Mr. Partha Pratim Roy, learned advocate appears for the petitioner and Mr. Soumen Dutta, learned advocate appears for the opposite party.

Being aggrieved by the order of rejection of the application of the respondent/petitioner wife for her re-examination for production of certain documents by the learned Additional District Judge, 3rd Court at Barasat, North 24 Parganas, the petitioner wife has filed the present application under Article 227 of the Constitution of India.

It is the contention of the respondent/petitioner wife that in spite of due diligence, she could not get hold of the bank passbooks, which she could not produce during her examination under oath before the learned Court below. After completion of her evidence, she got hold of those bank passbooks, which she wanted to produce, but the learned Court below rejected such prayer.

On the other hand, it has been contended that the respondent/petitioner wife in order to fill up the lacuna which has come in her evidence, wanted to get herself re-examined which the learned Court below has rightly rejected.

The impugned order shows that there was a direction from a coordinate Bench of this Hon'ble Court in C.O. 1815 of 2019 to dispose of the matter expeditiously without granting any unnecessary adjournment. The Court below in compliance of such direction has fixed the case for examination of witnesses by giving very short date. It is also seen that the respondent/petitioner wife has taken adjournments for production of further witnesses from her side from 27.02.2020 to 09.02.2021. That instead of producing defence witnesses, she had come with an application for her re-examination.

The impugned order also shows that the application filed by the respondent/petitioner wife is silent about the date on which such document had come to her custody and the reason why he could not produce the same during her evidence which started on 4.12.2019 and continued till 06.02.2020. Further, the learned Court below has observed respondent/petitioner/wife just to fill up the lacuna appearing in her evidence has prayed for her re-examination.

Perused the application filed by the petitioner/wife which is totally silent about the nature of the documents she intended to produce and the questions on which she want her re-examination on recall to show her re-examination on recall is not meant to fill up lacuna appearing in her evidence which is already on record. The conduct of the respondent/petitioner/wife as reflected in the order impugned, shows that she intends to delay disposal of the Misc. Case No. 218 of

2018 filed by the husband seeking custody of the children.

Therefore, I do not find any illegality or material irregularity in the order impugned.

Accordingly, the revisional application being **C.O. 1408 of 2021** is dismissed.

Interim order, if any, stands discharge.

There shall be no order as to costs.

Parties are to act on the server copy of this order duly downloaded from the official website of this Court.

Urgent Photostat certified copy of this order, if applied for, be given to the parties, upon compliance of all formalities.

(**Kesang Doma Bhutia, J.**)