

10.02.2022
Ct. 21
D/L 10
ab

C.O. 2050 of 2021
(Via Video Conference)

Smt. Shampa Aditya
-Vs-
Subir Kumar Aditya

Ms. Ishita Basu,

... for the petitioner

Mr. Debanik Banerjee,
Mr. Anirban Roychowdhury,

... for the opposite party.

The parties are represented by their respective learned Advocates. The case is taken up for hearing.

Heard learned advocates for the parties.

The respondent/petitioner wife being aggrieved by the order of rejection of her application for further cross examination of plaintiff/husband on recall by learned Additional Principal Judge, Family Court, Calcutta in Matrimonial Suit No. 8 of 2011 on 19.02.2021 has filed the present application under Article 227 of the Constitution of India.

Perused the application containing the questions, which the respondent/wife intend to put during further cross examination of husband/plaintiff on recall. I find the respondent/wife intend to cross examine the

husband on what he has stated in his evidence in another proceeding between the parties in Domestic Violence Act being case no Misc. Case No. 38 of 2012 pending before the learned 18th Metropolitan Magistrate, Calcutta.

The learned Court below while passing the impugned order has observed that no further cross examination on recall can be allowed when the respondent/ wife can file certified copy of such deposition of the husband given in domestic violence case at the time of final hearing of the case for dissolution of marriage and hereby rejected the same.

Considering the nature of the question which the wife intends to put to the husband/plaintiff on recall do not appear to be necessary as observed by the learned court below as wife can file the certified copy of the deposition of the husband given in the domestic violence case before the learned Family Court to draw adverse inference, if any, against the husband. Therefore, this Court is of view learned Court below rightly rejected the application and I do not find any material irregularity to interfere with the order impugned.

Accordingly, **C.O. 2050 of 2021** is dismissed.

Interim order, if any, stands discharged.

In view of the order made above Affidavits are not invited. Allegations made shall be deemed to be denied.

There will be no order as to costs.

All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

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

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