

19.09.2022
Item No.11
Ct. No.7
CHC
(disposed of)

C.O.2736 of 2022

Sri Sukdeb Barman
Vs.
Smt. Kakali Barman (Manna)

Mr. Debjit Mukherjee,
Mrs. Susmita Chatterjee,
Mrs. Dipanwita Ganguly,
Mr. Kaustav Bhattacharya
...for the petitioner

Mr. Mukherjee, learned advocate appearing for the petitioner upon adverting to order dated 27th April, 2021, passed on C.O.430 of 2020, submits that this Court directed the petitioner to adduce evidence upon allowing the amendment, and subsequently, in C.O.932 of 2022, this Court directed evidence of a Doctor to be collected by learned Deposition Commissioner.

It is clarified by Mr. Mukkherjee that evidence on Commission in respect of doctor/witness has already been over, and the same is waiting for cross-examination of such witness.

By the order impugned, the court below has inadvertently observed “pending recording of cross-examination of Dr. Bibhuti Bhusan Deb Roy, let cross-examination of o.p./wife be kept deferred”, which according to Mr. Mukherjee should be evidence of P.W.1, pursuant to the order passed by this Court in

C.O.430 of 2020, permitting the petitioner to adduce evidence in support of the statements made in the amendment petition.

There is hardly any scope for further elaboration.

In view of the nature of order proposed to be made in this case, no prior notice is considered to be necessary.

Service upon the opposite party stands dispensed with.

The revisional application be disposed of doing modification of the order dated 24th August, 2022, passed by learned Additional District Judge, 2nd Court, Raiganj, Uttar Dinajpur, in Mat. Suit No.80 of 2014, thereby directing the court below to ensure collection of evidence of P.W.1 in context with the amendment already allowed, as disclosed hereinabove and the order making observation as cross-examination of P.W.1 be treated as evidence of P.W.1.

Other portion of order will however, remain unchanged.

Petitioner is directed to make communication of this order to the learned court below as well as to the opposite party and her learned advocate in the court below.

With this observation/direction, the revisional application stands disposed of.

Urgent certified photostat copy of this order, if applied for, be given to the parties as expeditiously as possible on compliance of all necessary formalities.

(Subhasis Dasgupta, J.)