

25.09.2023
Court No. 19
Item no.09
CP

C.O. No. 1903 of 2023

Dr. Sanchita Ghosh

Vs.

Dr. Probal Kumar Ghosh

Mr. M. Goswami

Mr. Parikshit Goswami

.....for the petitioner.

The revisional application has been filed challenging an order dated April 24, 2023, passed by the learned Additional District Judge, 2nd Court, Barasat. By the said order, the learned Additional District Judge, 2nd Court, Barasat accepted the show cause filed by the husband, explaining the reason for his non-appearance in the suit. The cross-examination of DW had been closed and the application for adjournment was rejected.

The learned court below upon payment of cost of Rs.3000/- and for the ends of justice accepted the show cause filed by the husband/opposite party and allowed further cross-examination of DW-1. The suit was removed from the ex parte board.

The wife filed a suit for dissolution of marriage. The husband is the only contesting party.

A matrimonial suit should not usually be adjudicated ex parte, as the effect of the said suit has much larger ramification which involves the socio-economic conditions and status of both the parties.

Thus, this court is of the view that only one day's absence of the DW-1, i.e. on May 20, 2022 should not have been a ground for closing the cross-examination of the DW-1, by rejecting a application prayer for adjournment.

Under such circumstances, the court is of the view that the order impugned is correct. It was a discretionary order passed by the learned court below with reasons.

However, as the suit is at the stage of conclusion of evidence of the DW-1, this court directs that the cross-examination of DW-1 should be completed within a week from the next date fixed and the suit shall be disposed of within four months from the conclusion of the cross-examination of the DW-1.

The learned court below will conclude the proceedings in accordance with law, without granting unnecessary adjournments.

This court has not gone into the merits of the claims and the counter-claims of the parties.

The revisional application is accordingly disposed of. There shall be no order as to costs.

Parties are to act on the server copy of this order.

(Shampa Sarkar, J.)