

11.01.2023
Item No.23
Ct. No.7
CHC
(disposed of)

C.O. 3955 of 2022

Chandra Ghosh
Vs.
Chaitali Sen

Mr. Tanmoy Mukherjee,
Mr. Kushal Chatterjee,
Mr. Subhasish Mitra,
Mr. Shibjit Mitra,
Mr. Debrup Choudhury
...for the petitioner

Mr. Debanik Banerjee,
Mr. Steven Souradip Biswas,
Mr. Aniruddha Ganguly
...for the opposite party

Subject-matter of challenge in this case is against the closure of evidence of D.W.1, thereby declining D.W.1 to face cross-examination by the opposite party in a Revocation Case No.3 of 2019, pending before learned Additional District Judge, Fast Track Court-I, Alipore, South 24 Parganas.

Mr. Mukherjee, learned advocate appearing for the petitioner submits that petitioner being opposite party to the Revocation Case fairly conducted the proceeding including offering herself for the cross-examination by the opposite party.

It is however, submitted that an adjournment was proposed on the date scheduled for the cross-examination of D.W.1 setting the grounds, which

could not be taken into account by the court below, and the matter has been set for argument upon making closure of the cross-examination of D.W.1.

Mr. Mukherjee innocuously proposes for an opportunity to face cross-examination of D.W.1 otherwise, there may not be any fair adjudication of Revocation Case pending before the court below.

Per contra, Mr. Debanik Banerjee, learned advocate appearing for the opposite party submits that several dates got adjourned on the prayer of the petitioner, and all the adjourned dates could not be utilized appropriately resulting in delay to the disposal of Revocation Case.

It is thus submitted by the opposite party that the entire exercise undertaken by the petitioner is a ploy simply to cause delay to the disposal of Revocation Case.

Upon perusal of the impugned order, it appears that the matter has already been set for argument.

At this juncture, Mr. Mukeerjee submits that D.W.1 may be produced on the date, to be suitably scheduled by the court below, for her cross-examination, upon tendering the documents necessary for the purpose.

True it is that several adjournments were granted on the prayer of the petitioner, but cross-examination

of D.W.1 is perceived to be necessary for the appropriate decision, to be returned by the court below in a pending Revocation Case.

For the reasons mentioned hereinabove, the revisional application stands disposed of, upon setting aside the impugned order permitting the petitioner to present D.W.1 on the date scheduled by the court below, and finish the cross-examination of D.W.1 without undertaking extensive cross-examination, other than what is the extremely necessary for the purpose. The logical conclusion of the Revocation Case may be reached thereafter before the end of Summer Vacation of the court below for the year 20213, without granting unnecessary adjournment.

Parties are directed to make communication of this order to the court below.

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.)