

Court No. 6
(265719)

12.09.2025
(AD 11)
(S. Banerjee)

CO 3161 of 2025

Ankita Pal @ Chaudhuri
Vs.
Arka Chaudhuri

Mr. Ashim Ghoshal
Ms. Shohini Chakrabarty
Mr. Supriyo Ghosh
Ms. Susmita Adhikary

...for the petitioner

This application under Article 227 of the Constitution of India is at the instance of the wife and is directed against an order dated August 2, 2025 passed by the learned 14th Additional District Judge, at Alipore in Matrimonial Suit No. 414 of 2025. By the order impugned the application filed by the petitioner for appointment of an Advocate Commissioner to take evidence of the petitioner/wife through video conferencing facility or Whatsapp call, stood rejected.

Ms. Chakrabarty, learned advocate appearing for the petitioner submits that the petitioner is a student and is presently residing in 523, Cosgrove Street, San Antonio, Texas – 78210 and for which it is not possible for the petitioner to come down to Kolkata to appear before the learned trial judge in the suit for divorce on mutual consent.

In spite of service none appears for the opposite party.

The learned 14th Additional District Judge, at Alipore rejected the application filed by the petitioner/wife for giving evidence through video conferencing facility on the ground that in the absence of any notification in terms of Rule 1(i) of the VC Rules, there cannot be any order for engagement of any Remote Point Coordinator under Rule 5.3.1 of the VC Rules.

However, considering the fact that the petitioner/wife is presently residing in USA and considering the inconvenience that may be faced by the petitioner/wife in the event she has to come down to Kolkata, this court is inclined to allow the prayer of the petitioner for appointment of a Commissioner for recording the evidence.

In view thereof, CO 3161 of 2025 stands disposed of by directing the learned 14th Additional District Judge, at Alipore to appoint an Advocate Commissioner with a direction upon him to examine the wife/petitioner herein through video conferencing on behalf of the learned trial judge and to ascertain whether the wife/petitioner is voluntarily making statement regarding the proposal of mutual divorce after exploring the possibility of reconciliation

between the parties at the time of video conferencing. The husband/opposite party herein shall also be permitted to join at the relevant point of time when the evidence of the wife/petitioner will be recorded.

The learned Advocate Commissioner shall hold the video conferencing with the petitioner/wife in presence of the learned advocates for the respective parties and thereafter submit the report along with the proceeding of the commission in the form of question and answer. Such report shall be duly signed by the learned advocates of the respective parties including the representative of the petitioner/wife and the entire proceeding to be recorded in a Pendrive which should be submitted in a sealed cover before the learned trial judge for consideration of the learned trial judge.

The learned advocates for the respective parties are further requested to assist the learned Commissioner to be appointed by the learned trial judge in order to enable the Commissioner to record the evidence through video conferencing facility conveniently.

The remuneration of the learned Advocate Commissioner shall be assessed by the learned trial judge which should be paid by the wife/petitioner herein.

Considering the nature of the proceeding, this court requests the learned 14th Additional District Judge, at Alipore to make an endeavour to appoint the Commissioner on the next date fixed.

With the above observation, CO 3161 stands disposed of.

(Hiranmay Bhattacharyya, J.)