HIGH COURT OF TRIPURA
AGARTALA

CRP No.68/2025

Smt. Bulti Debnath, W/O. Sri Goutam Saha, D/O. Sri Santosh Debnath of Circuit House, Kunjaban Colony, P.S.-New Capital Complex, District-West Tripura.

…….. Petitioner(s).

V E R S U S

Sri Goutam Saha, S/O. Late Mati Lal Saha of Circuit House, Kunjaban Colony, P.S.- New Capital Complex, District-West Tripura.

……..Respondent(s).

For Petitioner(s) : Mr. Anjan Kanti Pal, Advocate.

For Respondent(s) : Mr. Sankar Lodh, Advocate.

HON'BLE THE CHIEF JUSTICE MR. M.S. RAMACHANDRA RAO

Order

19/01/2026

Heard both sides.

2. This Revision is filed against the order dt.19.05.2025 of the Additional Judge, Family Court, Agartala, West Tripura in T.S.(Div.) No.50 of 2022.

3. Vide the said order, the said Court had closed the evidence on the respondent side on the pretext that the petitioner's counsel did not cross-examine the witnesses produced by the respondent who had appeared on more than one occasion.

4. The reason assigned by the petitioner before the Court below was that on account of non-payment of arrears of interim maintenance in the criminal proceedings, she was unable to cross-examine the witnesses for the respondent, which contention was rejected by the Court below.

5. The Court below appears to have forgotten that the petitioner needs to pay fee to her counsel to do the cross-examination and if she herself

does not get the arrears of interim maintenance, it would be difficult for her to pay her counsel. Therefore, the Court below is not correct in rejecting the explanation offered by the petitioner for not cross-examining the respondent's witnesses.

6. The further view taken in the impugned order is that nature and character of proceedings for maintenance and divorce are separate and distinct. Even if that be so, since the financial position of the petitioner is equally important, merely because she can file an Execution Petition to recover arrears of interim maintenance, the Court below cannot harshly punish the petitioner by denying the opportunity to cross examine PWs on the ground that she did not cross-examine them.

7. What happened on the previous dates of hearing is wholly irrelevant and the only reason to be looked at while passing orders of this nature is the reason why the petitioner could not cross-examine the witnesses on that particular day.

8. In this view of the matter, this Revision is allowed; the order dt.19.05.2025 of the Addl. Judge, Family Court, Agartala, West Tripura in T.S.(Div.) No.50 of 2022 is set aside. The respondent shall produce the witnesses for cross-examination on ***06.02.2026*** and on that day, the petitioner shall cross-examine through her counsel the said witnesses. If not, the order passed on 19.05.2025 shall stand restored.

Pending application(s), if any, shall stand disposed of.

(M.S. RAMACHANDRA RAO, CJ)

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