

27.02.2026
SL No.31
Court No.6
(gc)

CO 3708 of 2025
CAN 1 of 2025

Raj Kamal Nath Roy
Vs.
Bidisha Roy

Mr. Sourarv Guha Thakurata,
Mr. Surojit Dutta

.....for the Petitioner.

1. Despite service, none appears on behalf of the opposite party.
2. Subject to the condition that the petitioner will deposit a cost of Rs.5,000/- to be paid to the wife within two weeks from date, the order dated September 15, 2025 passed by the learned Additional Principal Judge, Family Court, Calcutta, shall stand set aside and two dates should be fixed to complete the cross-examination.
3. It appears to this Court that the learned Judge was of the view that although the respondent was available in the Court compound, he had intentionally avoided cross-examination. The Court was of the further view that adverse inference should be drawn against the husband in the said proceeding on the ground that he was intentionally avoiding such cross-examination by the wife.

4. In my view, the cross-examination of the petitioner had commenced, and not completing the same will be prejudicial to both parties. The wife will be allowed to cross-examine the petitioner and the cross-examination shall be completed within two consecutive dates, to be fixed by the learned Court. If the petitioner is not available on the dates fixed by the Court for cross-examination by the wife, in that event, the Court shall proceed with the suit and the consequence of the husband not facing the cross-examination will follow.
5. The dates will be fixed by the court upon being satisfied.
6. Accordingly, the revisional application and the connected application are disposed of.
7. There shall be no order as to costs.
8. Parties are to act on the server copy of this order.

(Shampa Sarkar, J.)