

S/L 6
13.05.2026
Court. No. 5
Suvayan

**IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI
APPELLATE SIDE**

CO 54 of 2026

**Siddhartha Kumar Chhetri @
Sidhartha Chhetri
Vs.
Kanchan Pradhan & Anr.**

*Mr. Sukanta Chakraborty
Mr. Sayan De
Ms. Esha Acharya
Mr. R. Chakraborty*

...for the petitioner.

1. The petitioner has filed the present revisional application being aggrieved and dissatisfied with Order No. 45 dated February 10, 2026 passed by the learned Additional District Judge, Fast Track Court, Siliguri by rejecting the application filed by the petitioner under Order 18 Rule 17 of the Code of Civil Procedure for recalling of the PW 1 for cross-examination. The opposite parties had filed an application under Section 24 of the Hindu Marriage Act claiming maintenance *pendente lite* and expenses of the proceedings.
2. On April 16, 2025 the matter was fixed for cross-examination of the PW 1. On the said date the learned advocate appearing for the petitioner herein has filed an application for adjournment. But when the matter was taken up by the learned Trial Judge, none has come forward to move the application for adjournment. It is further reveals from the order that the application filed by the learned advocate was not having any vakalatnama on behalf of the petitioner herein to file an application for adjournment. Accordingly, learned Judge has rejected

the application and close the cross-examination of the PW 1.

3. Learned counsel for the petitioner submits that the learned senior counsel who was appearing for the petitioner herein before the learned Additional District Judge, Fast Track Court, Siliguri was under medical treatment and as such he could appear before the learned Court and the other advocate appearing for the petitioner herein has filed an application but due to inadvertent the learned advocate could not appear before the Court for moving the application for adjournment.
4. This Court finds that the petitioner had the knowledge that on April 16, 2025 the matter was fixed for cross-examination of the PW 1. If the learned advocate who supposed to cross-examine PW 1 was under medical treatment and the other advocate who filed an application for adjournment ought to have moved the said application before the learned Court informing that the senior advocate is not well and not in a position to cross-examination. Instead of doing so only filed an application for adjournment but has not moved the said application. Even from the order it is found that the learned Additional District Judge also taken into consideration whether the application filed by the advocate prayed for adjournment was having the vakalatnama on behalf of the petitioner. On verification of the record of the Misc. Case it was found that the advocate who has filed an application for adjournment was not having vakalatnama.

5. Considering the above, this Court finds that the learned Additional District Judge, fast Track Court, Siliguri has rightly rejected the application filed by the learned advocate who was not having the power in the said case and also he was not moved the said application.
6. In view of the above, this Court did not find any illegality in the impugned order.
7. Though by an order dated April 16, 2025 cross-examination of PW 1 was closed and by an impugned order dated February 10, 2026 the application filed by the petitioner for recalling of the PW 1 for cross-examination was dismissed but the said orders will not prevent the petitioner to take appropriate steps before the learned Court to prove his case by adducing evidence as DW or to take all points at the time of argument.
8. CO 54 of 2026 is dismissed.
9. However, there shall be no order as to costs.
10. Urgent Xerox certified copy of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Krishna Rao, J.)