

Mat Suit No. 86/2023
CNR NO. WBCB01-001082-2023.

PRESENT : Sri Rudra Prasad Ray
Additional District & Sessions Judge,
Fast Track Court, Cooch Behar.

Order No. 22
Dated . **06.02.2025.**

Parties are present by filing hazira.

Today is fixed for further PWs.

The petitioner is present with a witness and files the affidavit-in-chief of PW-2.
Copy served.

At this stage, the respondent files a petition, supported by affidavit, U/S 151 CPC praying for permission to cross examine of PW-1.

Record reveals that on the earlier date, i.e. 29-01-2025, the respondent had filed a petition praying for an adjournment on the ground of non-availability of her Ld. Advocate. However, at the time of hearing, one Ld. Advocate appeared on behalf of the Respondent and prayed for time. The record reveals that on 29-01-2025 was fixed for P.H in consultation of the time diaries of the Ld. Advocate of both the parties and considering the convenience of the parties, without considering the diary of the court and on 29-01-2025 also, the Ld Advocate for the respondent praying for time and Ld Advocate who move the adjournment petition refused to cross examine P.W-1 on that day.

However, today, the same Ld. Advocate appeared and move the petition under section 151 Cr.P.C praying for opportunity to cross examination PW-1.

Conduct of the respondent is self explanatory and requires no further attestation to the fact that the respondent has tried to procrastinate the proceeding. However, since she has tried for an opportunity to cross examination of PW-1 and to contest the case further, hence, I am of the opinion that she should be given such an opportunity, only after paying a cost. However, Ld Advocate for the petitioner has raised vehement objection against the allowance of the petition on the ground that the petitioner is employed at Hyderabad and hence it is not possible for him to appear before the court ever now and then. I have given due consideration to the submission of the Ld. Advocate for the petitioner also and I am of the view that despite his staying in a different State, since the petitioner has filed this case, and hence it is his duty to appear before the court as and when required.

In view of the submissions of the parties, I am inclined to allow the petition filed by the respondent U/s 151 C.P.C. today with a condition of payment of cost of Rs. 2000/- (Rupees Two Thousand) only by the DLSA, Cooch Behar.

Contd.....P/2

Accordingly it is,

ORDERED

that the petition under section 151 C.P.C. is hereby allowed with a condition of payment of cost of Rs. 2000/- (Rupees Two Thousand) only by the respondent to the DLSA, Cooch Behar.

Fix, **19.03.2025** for filing receipt of payment of cost of the respondent, cross examine of PW-1 and all further PWs and the respondent is strictly directed not to seek any adjournment on that day and to proceed with the case.

D/C by me.

Addl.Dist.Judge,
F.T.C.,
CoochBehar.

Additional District Judge,
Fast Track Court,
CoochBehar.

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I S S U E S

1. Is the suit maintainable in its present form in law?
2. Whether the petitioner has cause of action to file this suit?
3. Whether the respondent subjected the petitioner to cruelty?
4. Whether the respondent deserted the Petitioner?
5. Is the Petitioner entitled to get the decree as prayed for?
6. To what other relief the petitioner is entitled to get?

D/C by me.

Addl.Dist.Judge,
F.T.C.,
CoochBehar.
12.09.2024

Additional District Judge,
Fast Track Court,
CoochBehar.