

Order no. 15

Dt. 25.09.2025

Today is fixed for hearing of the petition filed by the OP and WO if any in the meantime.

The matter is now hearing of the petition filed by the OP praying for leave to adduce evidence and dispose of the matter after recording of evidence of both sides.

Ld. Advocate of the petitioner and OP both are present before this Court.

Ld. Advocate of the OP has filed supplementary written objection praying for dismissal of the petition for interim maintenance on the ground that they have got positive information and documentary evidence that the petitioner has married to some other person and living in adultery. Copy served.

Ld. Advocate of the petitioner raised objection.

It is pertinent to mention here that Ld. Advocate of OP has filed one petition before this Court on 23.07.2025 and prayed for an opportunity to adduce evidence in this case. Ld. Advocate of the petitioner raised verbal objection and stated that petition has only been filed with an intention to delay the hearing of interim maintenance petition filed by the petitioner.

Ld. Advocate of the OP in reply stated that as already mentioned in his petition that petitioner of this case does have intimate relationship with other men and OP can prove it by adducing proper evidence.

Heard the submissions of both sides in respect of petition dt. 23.07.2025.

It is to be kept in mind that the matter was earlier fixed for interim maintenance hearing and OP has filed the petition on 23.07.2025 praying for leave of this Court to adduce evidence. At this stage, without first hearing the interim maintenance petition, the OP cannot be given opportunity directly to adduce evidence. OP will get ample opportunity in later stage of this case to adduce evidence and prove his point before this Court of law. There is no urgent necessity to allow the OP to adduce evidence without first hearing and disposing of the interim maintenance petition filed by the petitioner. Accordingly the petition filed by the OP on 23.07.2025 is considered and rejected on contest.

The supplementary written objection filed by the OP today and the documents annexed thereto be kept with the record and shall be taken into consideration while the matter is taken up for hearing of the interim maintenance petition.

To **15.10.2025** for hearing of the interim maintenance petition.

D&C by me

ACJM, Kurseong.

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