

MAT SUIT NO. 56/2017
CNR No.WBSP01-006693-2017
J.O Code WB 00639

Order No. 61 dated 04.01.2023

Today is fixed for P.H. of Mat suit and hearing of the video conference petition and filing affidavit of assets and liabilities by both the side in respect of modification/enhancement maintenance pendente lite.

Both parties file hazira through Ld. Advocate.

Affidavit of assets and liabilities is filed by the husband.

Affidavit-in-chief filed by one Pankaj Kumar Kolay, the Constituted Attorney and father of the husband which is subsequently not pressed. Consequently the two petitions filed by the respondent/wife for rejection of affidavit-in-chief is hereby disposed of. As the chief is not pressed certificate u/s 65B of Evidence Act be redundant.

On the prayer of the respondent/wife, filing of affidavit of assets and liabilities is adjourned with a direction to file the same on the next date positively.

For non filing of the affidavit of assets and liabilities by the wife the petition for modification of enhancement pendente lite maintenance is adjourned.

As there is direction of Hon'ble Court for expeditious disposal of the suit and also for expeditious disposal of pending petitions, but as the respondent/wife is getting maintenance pendente lite regularly, I find that the matrimonial suit may be proceeded till prior to pronouncement of judgement as the suit has been filed in the year 2017.

So, the petition for deposition of petitioner/husband for Video conference is taken up for hearing.

Admittedly, the petitioner/husband is residing abroad far way from the Country and it may not be convenient for him to depose as PW-1 personally before this Court, so the prayer of recording the evidence of PW-1, petitioner/husband through video conference is hereby allowed.

In view of the same, Ld. Advocate, namely, Sriprakash Thakur is appointed as advocate commissioner for the purpose of recording of evidence of Petitioner/husband Sri Sukesh Ranjan Koley through video conferencing in presence of Ld. Advocates for both the parties.

Ld. Commissioner is directed to issue notice to the Ld. Advocate of both side prior to the starting of the commission work after fixing proper schedule of commission.

Petitioner/husband is directed to pay sum of Rs.10,000/- to the Ld. Advocate Commissioner as cost of commission immediately.

Both parties are directed to communicate the video link for the same to the Commissioner.

Fixed 16.02.2023 for filing report by the commissioner after completion of witness commission.

Todate for filing affidavit of assets and liabilities for wife and for hearing of enhancement pendenlite petition.

Writ be issued immediately on payment of cost to the Commissioner.

D/C by me

A.D.J 6th Court, Alipore
6th Court, Alipore.

Additional District Judge,
6th Court, Alipore.