

MAT SUIT NO. 56 OF 2017

Order No. 84

04.05.2024

Case record is put up as ordered.

A petition is filed on behalf of the respondent/wife praying for an order allowing the respondent/wife to access to the pen drive for perusal and examination and fix another date for further cross-examination of PW-1.

Another petition is filed on behalf of the respondent/wife praying for an order for adjourning the case on 05.05.2024 and to fix the date for further cross-examination on 07.05.2024 stating inter alia that 05.05.2024 is Sunday and the court premises will not be accessible to any of the party on the said date. Copy of the petition is served upon the Ld. Advocate for the petitioner/husband and Ld. Advocate commissioner.

The interim report of the Ld. Advocate commissioner is placed today along with a petition submitted by the Ld. Advocate for the respondent/wife praying for adjournment before the Ld. Advocate Commissioner on 16.04.2024 for further cross examination of PW-1 perusing the material of the pen drive and the minutes of the proceedings on video conferencing dated 16.04.2024.

Heard the Ld. Advocate Commissioner and the Ld. Advocate for the petitioner/husband and the respondent/wife.

Perused the interim report of the Ld. Advocate Commissioner and the minutes of the proceedings.

It appears from the interim report of the Ld. Advocate Commissioner that the Ld. Advocate for the respondent made cross-examination at length still the question to the satisfaction and saturation to the need of evidence for him remained unconcluded. It further appears that the Ld. Advocate for the respondent on 16.04.2024 has filed an application praying for adjournment for further cross-examination of PW-1 perusing the contents of the pen drive.

It appears from the case record that the date for further cross-examination on 05.05.2024 was fixed as per the submission of the Ld. Advocates for the parties. However, as it has been pointed out before this Court in advance that on 05.05.2024 being Sunday, the parties may not access in the court premises, for the ends of justice I am inclined to adjourn the matter for further cross-examination of PW-1 till 07.05.2024.

Pen drive containing the conversation of the parties, to which the Ld. Advocate for the respondent/wife intends to get access for further cross-examination has been

admitted in evidence and accordingly, the said pen drive be handed over to the Ld. Advocate Commissioner on proper receipt.

The Ld. Advocate for the respondent/husband is at liberty to go through the contents of the pen drive before or at the time of cross-examination of PW-1 on 07.05.2024.

In view of the order of the Hon'ble High Court, Calcutta, parties are directed to make it convenient to complete the process of cross-examination on 07.05.2024. Ld. Advocate Commissioner is also requested to complete the recording of the cross-examination of the PW-1 on the date fixed.

Respondent/wife is directed to bear the further cost of Rs.5000/- to the Ld. Advocate Commissioner as cost of the commission.

A video link be provided by the Ld. Advocate for the respondent to the Ld. Advocate Commissioner and the Ld. Advocate for the petitioner well in time.

Todate i.e. **14.05.2024** for submission of report and further order.

D/C by me

Sd/-
A.D.J

Sd/-
Additional District & Sessions Judge,
6th Court, Alipore, I/C
South 24-Parganas.
J O CODE-WB00795