

MAT SUIT NO. 56/2017
(R No. 1216/2017)
CNR No.WBSP01-006693-2017
J.O Code WB 00639

Order No.69

Dated : 30.05.2023

Today is fixed for hearing of the petition filed by the wife on 26.04.2023 and for P.H.

Both sides file hazira through Ld. Advocates.

Copy of Order of Hon'ble High Court in CO No. 1716 of 2023 is filed by the petitioner from which it appears that Hon'ble High Court, Calcutta has been pleased to dismiss the civil revisional application filed by the wife/OP against order of rejection of prayer of enhancement of maintenance filed by the wife.

Ld. Advocate for the petitioner/husband is present along with the witness Ld. Advocate Commissioner.

Though, today there is resolution of Local Bar Association for not participating in any court proceedings as a mark of respect to the departed soul of Ld. Advocate Baidya Nath Shaw, but there is exception in respect of some matter including cases relating to High Court direction matter and as such the case record is taken up for hearing of the petition filed by the wife on 26.04.2023 and for P.H.

The petition is taken up for hearing.

Perused the petition and WO thereto.

Heard Ld. Advocate for the petitioner/husband. On repeated calls none appears on behalf of the respondent/OP to conduct the hearing.

On the strength of impugned petition wife has prayed for directing the advocate commissioner to record the evidence of PW-1 after proper identification complying the order of this Court as per law and for passing necessary order in view of the pendency of the matter before the Hon'ble High Court on the ground that the OP was informed by the Ld. Advocate Commissioner fixing date of recoding evidence without providing the link and without complying the order of the Court. Such contention of the wife is not correct as there is direction upon the parties to provide video linkage to the commissioner and there is no direction upon the commissioner to provide the line to the parties.

From the copy of order of Hon'ble High Court Calcutta in CO no. 504 of 2023 with 1213 of 2023 it appears that the order passed by this Court dated 04.01.2023 has been affirmed by the Hon'ble Court except pendency of the enhancement alimony pendente lite.

So I do not find any merit in the application filed by the wife and as such the petition dated 26.04.2023 is rejected.

Now, the record is taken up for PH.

Ld. Advocate Commissioner Sri Shree Prakash Thakur is examined in full and during his deposition the pen drive containing the evidence recorded by commission through video conferencing is marked as MAT EXT – 1 and another pen drive in respect of certificate u/s 65B of Indian Evidence Act is marked as MAT EXT – II and other related documents are marked s ext- 1 (Collectively) and examination in chief of Sukesh Ranjan Koley is marked as Ext- PW-2.

None appears to cross examine the PW-1 on behalf of the OP. Thus, evidence of PW-1 is closed and discharged him.

On the prayer of the petitioner for further evidence, case is adjourned today.

To 09.06.2023 for evidence of PW-3.

D/C by me

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

Additional Sessions Judge,
6th Court, Alipore.