



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.6125 of 2026

Sambit Nayak

....

Petitioner

Mr. Pradipta Varma, Advocate

-versus-

Parimita Mohanty

....

Opp. Party

**CORAM:
JUSTICE MRUGANKA SEKHAR SAHOO**

**ORDER
27.02.2026
Hybrid Mode**

Order No.

- 01.** 1. The petitioner-husband in the marriage is before this Court challenging the order dated 16.02.2026 passed by the learned Judge, Family Court-II, Bhubaneswar. By the said order, the petition dated 11.02.2026 filed by the respondent-wife before the learned Judge, Family Court in C.P. No.76 of 2017 for recall of the petitioner as witness in the proceeding was allowed.
- 2.** The ground for seeking the recall of the witness is stated in the petition filed before the learned trial court at paragraphs-1 and 2 which states thus:

“1. That, the PW1 namely Sambit Nayak had filed his evidence on 12/04/2019 subsequently he was cross examined and discharged by the Hon’ble Court.

2. That, the petitioner namely Sambit Nayak filed his assets and liabilities affidavit on 06/09/2024 as such the respondent did not get chance to cross examined



him on the point of the assets and liabilities filed by him so also documents filed by him on the said assets and liabilities.

Hence the respondent may kindly be given opportunity to cross examined the PW1 on the above point.”

3. It is submitted by the learned counsel for the petitioner that the evidence affidavit on behalf of the petitioner was filed on 12.04.2019 and after his cross-examination he was discharged by the learned Judge, Family Court on 12.04.2019 and there is no justifiable reason to recall the witness.

4. Apparently, the learned trial court has allowed to recall the witness after filing of affidavit dated 06.09.2024 indicating the assets and liability in terms of the directions of the Hon’ble Apex Court in ***Rajnish v. Neha :2020 INSC 631: (2021) 2 SCC 324.***

The reasons those have persuaded the learned Judge, Family Court to allow recall of the witness is that affidavit regarding assets and liabilities on behalf of the husband-petitioner was filed on 06.09.2024. On being asked, it is submitted by the learned counsel for the petitioner that the wife has filed assets and liability affidavit on her behalf in January, 2025.

5. Having heard the learned counsel for the petitioner, this Court is not inclined to issue notice to the other side and the petition is disposed of observing that the recall and examination of the petitioner shall be confined to the purpose as indicated in paragraph-5 of the order of the learned trial



court dated 16.02.2026, i.e., with regard to the affidavit filed on 06.09.2024 by the petitioner-husband.

6. The learned conducting counsel for the petitioner shall have liberty to bring to the notice of the Court the aspect regarding the earlier examination and cross-examination of the petitioner-husband and the fact that the petitioner-husband has already been discharged by the Court in the context of earlier affidavit.

7. It would be in the interest of justice and fair play that the issues on which the petitioner was examined and cross-examined on 12.04.2019 should not be further reopened upon recall of the witness as the learned trial court itself has considered the aspect of filing of the affidavit on assets and liabilities dated 06.09.2024 for directing recall of the witness.

8. It is submitted by the learned counsel for the petitioner that the petitioner stays in U.K. at his work place. He has to travel to attend the court on a date fixed by the court.

9. Accordingly, the learned Judge, Family Court-II is requested to accommodate schedule of the petitioner to complete the cross-examination of the petitioner on recall by giving consecutive dates, if required, so that the petitioner after attending the court can return to his work place at U.K. For the said purpose, application shall be made on behalf of the petitioner and the learned Judge, Family Court shall do well to consider and pass appropriate orders in accordance with law.



10. With the aforesaid observation, the petition is disposed of.

(Mruganka Sekhar Sahoo)
Judge

Gs