

**BEFORE THE JUDGE, FAMILY COURT :  
BHUBANESWAR**

**C.P. No. 639 OF 2019**

Dr. Pranati Behera

...Petitioner

-Versus-

Dr. Sailesh Narayan Behera

...Respondent

**AN APPLICATION FOR RECALL OF ORDER  
DATED 21.09.2023**

1. That the respondent in the aforesaid case filed the present application seeking recall of the order dated 21.09.2023 wherein this Hon'ble court refused the respondent to cross-examination to the petitioner due to non-filing of written statement and also he was precluded from file written statement on 29.08.2023
2. That being precluded from filing written statement and not allowing for cross examination to the plaintiff petitioner, the respondent's claim is being set-aside automatically and he is highly prejudiced.
3. That it is settled principle of law even if a party is precluded from filing written statement he shall cross examination to other to the extend to falsify the case of other party. However in this case the

respondent has been refused to cross examination to the petitioner on her objection which may be recalled.

4. That the Hon'ble High Court of Orissa in case of **Sabita Mohanty Vs. Laxmipriya Jena & Others** held that even if a party is precluded from filing written statement or not filed written statement his right to cross examination can not be extinguished.

### **P R A Y E R**

It is therefore prayed by the respondent that considering above facts this Hon'ble Court may graciously be pleased to allow this application recalling order dated 29.08.2023 and thus allow the respondent cross-examine the witnesses the petitioner in the interest of justice.

Cuttack

By the respondent through

Date:

Advocate