

HIGH COURT OF CHHATTISGARH, BILASPUR**W.P. (227) No. 341 of 2018**

Smt. Archana Das W/o Shri Rameshwar Das Vaishnav, aged about 38 years, R/o Qtr. No. 8, B.K. Pocket, Marouda Sector, Bhilai, District Durg (C.G.) **---- Petitioner/Non-applicant**

Versus

Rameshwar Das Vaishnav S/o Ananteshwar Das Vaishnav, aged about 43 years, R/o Village Mudgaon, Post Tumdibod, District Rajnandgaon (C.G.) **--- Respondent/Applicant**

For Petitioner : Mr. Vinod Kumar Tekam, Advocate.
 For Respondent : Mr. H.B. Agrawal, Senior Advocate
 assisted by Ms. Prabha Sharma, Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****07/12/18**

1. The application for amendment under Order 6 Rule 17 of CPC filed by the petitioner/wife in the divorce proceeding has been rejected by the Family Court, Rajnandgaon against which this writ petition has been preferred.
2. Learned counsel appearing for the petitioner submits that the impugned order is unsustainable and bad in law as the application for amendment is necessary for just and proper disposal of the suit and it ought to have been considered by the Family Court therefore, the impugned order is liable to be set aside.
3. I have heard learned counsel for the petitioner and perused the impugned order.
4. The petitioner/wife sought to amend her written statement stating that the plaintiff/husband is in illicit relation with a woman and

out of cohabitation she has given birth to a child on 06.05.2016 the birth certificate of which was received by her on 24.10.2017 and proposed amendment is based on subsequent event which is relevant for just and proper disposal of the suit but was rejected by the Family Court on the ground of delay. Since the dispute is a matrimonial dispute and the amendment appears to be necessary for just and proper disposal of the suit and the petitioner/defendant's evidence is yet to be commenced, therefore the application is allowed and the amendment be incorporated within ten days. The plaintiff would be at liberty to make consequential amendment.

5. As the suit is pending consideration since 09.04.2012, the trial Court is directed to decide the suit expeditiously preferably within a period of six months from the date of receipt of copy of this order.

6. With the aforesaid observation, the writ petition stands disposed of. No order as to cost(s).

7. A copy of this order be sent to the Family Court, Rajnandgaon directly as well as through the concerned District Judge for information and compliance.

SD/-
(Sanjay K. Agrawal)
Judge