

28.09.2020
Ct. No.13
SL No.19
KS

IA No: CAN 1 of 2020

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C.O. No.1226 of 2020

Sri Sourav Biswas

Versus

**Srimati Chandrika Roy Biswas alias Srimati Chandrika Roy
(Via Video Conference)**

Mr. Sanjib Kumar Mukhopadhyay

.....For the Petitioner

Mr. Joyak Kumar Gupta

.....For the Opposite Party

The petitioner-husband has filed this revisional application to challenge the order dated March 7, 2020 passed by the learned Additional District Judge, 1st Court, Sealdah in Mat Suit No.109 of 2019.

Admittedly, the petitioner had filed the aforementioned matrimonial suit against the opposite party seeking restitution of conjugal rights. Accordingly, the conciliation proceedings between the parties was unsuccessful and, as such, the petitioner is now interested to obtain a decree for divorce against the opposite party.

On the basis of such allegation of failure of the conciliation proceedings, the petitioner approached the

learned Court below for amendment of the plaint to the effect that he is entitled to obtain a decree for divorce to the opposite party.

The opposite party strongly disputes that effective conciliation proceeding had taken place between the parties. As mentioned earlier, by the impugned order the learned Court below rejected the petitioner's plea for amendment of the plaint for obtaining relief of dissolution of marriage against the opposite party. The learned Court below found that such amendment cannot be allowed because the same would result in total change in the nature and character of the matrimonial suit originally filed for obtaining relief of restitution of conjugal rights.

Considering the materials on record, I do not find any irregularity, far less any patent illegality in the impugned order. Accordingly, the revisional application being, C.O. No.1226 of 2020 and the connected application being, IA No: CAN 1 of 2020 stands rejected with costs assessed at Rs.5,000/- (Rupees Five Thousand only) to be paid by the petitioner to the opposite party-wife, within two weeks from date.

The learned Court below shall ensure compliance of the above direction for payment of costs by the petitioner to the opposite party-wife, even before withdrawing the present suit.

(Ashis Kumar Chakraborty, J.)