

S/L 12
21.12.2020
Court. No. 19
GB

C.O. 1546 of 2020

Sri Soumen Bhoumik
Vs.
Smt. Binita Bhoumik (Malakar)
(Through Video Conference)

Mr. Dipanjan Bhattacharya.
...for the Petitioner.

This is an application challenging the order dated March 11, 2020 passed by the learned Additional District Judge, 1st Court at Barasat, District 24 Parganas (North) in Matrimonial Suit No.216 of 2018.

It is the contention of the petitioner that the learned court below ought to have allowed the application for amendment of the pleadings/plaint, as there was no withdrawal of any admission made by the petitioner. It is submitted by the petitioner that the petitioner merely wanted to delete a portion of paragraph 14 of the petition.

It is submitted by the learned advocate for the petitioner that the amendment did not change the nature and character of the suit. That the suit was going uncontested and although trial had commenced, the amendment prayed for was formal in nature and would not cause any prejudice to the opposite party/wife. It is submitted that if the said pleadings were not amended as prayed for, the same would have a negative impact on the

other proceedings and suits. It is also stated that the statement made by the petitioner that the mother of the petitioner was fond of the petitioner and his wife and out of said love and affection had gifted the property to the petitioner in spite of the petitioner having another sister, would prejudice other suits pending between the mother and the petitioner and also between the petitioner and the opposite party.

The reason for amendment as assigned in the application filed in the learned court below was correction of a mistake. The learned court below exercised its discretion and came to the conclusion that it was an admission and could not be withdrawn by way of an amendment application. Aggrieved by the order this application has been filed.

After a prolonged argument, when the Court was not inclined to entertain the challenge to the order impugned, the learned advocate for the petitioner prayed for leave to withdraw the revisional application.

The revisional application be dismissed as not pressed without any liberty. Any observation made herein shall not affect the merits of the matrimonial suit. The learned court below is directed to expedite the hearing of the matrimonial suit.

(Shampa Sarkar, J.)