

HIGH COURT OF CHHATTISGARH, BILASPUR

WP227 No. 134 of 2020

- Hiteshwari Sahu, W/o Nand Kumar Sahu, Aged About 28 Years, By Caste Teli At Present R/o Negiguda House of Hemraj Sethiya, Police Station – Parpa. Jagdalpur, District – Bastar. Chhattisgarh.

---- Petitioner

Versus

- Nand Kumar Sahu, S/o Prabhulal Sahu, Aged About 33 Years, By Caste Teli R/o Negiguda Ghatpadmur, Police Station - Parpa, District – Bastar, Chhattisgarh.

---- Respondent

For petitioner	:	Mrs. Madhunisha Singh, Advocate.
For respondent	:	None.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

05/02/2020

1. This petition has been brought being aggrieved by the order dated 9.1.2020 passed by the Family Court, Bastar at Jagdalpur, Chhattisgarh rejecting the application filed by the petitioner praying for amendment in her written statement.
2. Respondent has filed divorce petition under Section 13 of the Hindu Marriage Act, 1955. Non-applicant/petitioner herein filed her written statement in that case, however, as the written statement submitted was not complete, an application was filed for incorporating necessary amendment in her written statement, which has been erroneously and arbitrarily rejected by the trial Court. The amendment proposed are relevant for the purposes of complete adjudication of dispute between the parties, therefore, it is prayed that this petition be allowed and the impugned order be interfered with.
3. Considered on the submissions made and also perused the documents filed along with petition.

4. On perusing the application filed under Order 6 Rule 17 of CPC by the petitioner, it is found that the amendment proposed as "Paragraph No.11(A), 11(C), 11(D), 12, 13 & 16" are relevant for the purpose of complete resolution of dispute between the parties. Whereas, the amendment proposed that Paragraph No.11(B), 14 & 15 are of no relevance and unconnected with the issues concerned. Thus, the learned trial Court has committed an error in passing the impugned order because the application for amendment deserves to be allowed in part.
5. Consequently, this petition is disposed off at the motion stage itself without issuing notice to the opposite party as the same would unnecessary cause delay in disposal of matter. The impugned order is set aside and the application filed by the petitioner under Order 6 Rule 17 read with Section 151 of IPC is partly allowed. The learned Family Court is directed to allow the petitioner to amend her written statement by incorporating Paragraph No.11(A), 11(C), 11(D), 12, 13 & 16 in it. The respondent side shall have opportunity to make a prayer for consequential amendment, if so advised.

Sd/-

(Rajendra Chandra Singh Samant)
Judge