

S/L 6
07.04.2021
Court. No. 19
GB

C.O. 813 of 2020

Soumika Chakravorty
Vs.
Aniket Ganguly

(Through Video Conference)

*Ms. Mallyashree Maity,
Ms. Nikita Bardhan.*

...for the Petitioner.

Mr. Partha Pratim Roy.

...for the Opposite Party.

Although the matter is appearing under the heading 'Extension of Interim Order', as both the parties are represented, the matter is taken up for final hearing.

Affidavit-of-service is taken on record.

This revisional application is directed against an order dated August 27, 2019 passed by the learned Additional District Judge, 4th Court at Barasat, District 24 Parganas (North) in Matrimonial Suit No.1912 of 2016.

By the order impugned, the learned court below allowed an amendment of the written statement without any reasons. The order is quoted below:

*"Considering all aspect, I allow the
petn. for amendment of written statement filed
by the Respdt./wife."*

It also appears that the order suffers from total non-application of mind, inasmuch as, the learned court below

while allowing the husband's application for amendment of the written statement, directed the wife/petitioner herein to file the amended written statement within the statutory period.

This Court is not deciding whether the amendment was necessary for adjudication of the dispute, but when the application for amendment was taken out at an advanced stage of the suit, the learned court below ought to have recorded reasons and his satisfaction as to why such amendment was necessary for proper adjudication of the dispute between the parties.

The order impugned is set aside and quashed.

The learned court below is directed to hear out the application for amendment afresh upon considering the pleadings of both the parties and upon affording adequate opportunity to the parties to place their contentions. The said application shall be disposed of within a period of one month from the next date fixed.

The revisional application is disposed of.

There will be, however, no order as to costs.

Urgent Photostat certified copy of this order, if applied for, be given to the parties on priority basis.

(Shampa Sarkar, J.)