

Item-4. 26-09-2022

sg Ct. 8

FA 30 of 2019
CAN 6 of 2022

Namita Maity
Versus
Dilip Maity & Anr.

Mr. Dilip Kumar Maity, Adv.
...for the appellant

Affidavit of service filed in Court today is taken on record.

In spite of service, the respondents are not represented.

CAN 6 of 2022 is the application for amendment of the
plaint. This application discloses subsequent fact of remarriage of
the husband with one Smt. Ayankita Maity on 7th May, 2018.

The respondents have the opportunity to appear and file
their rebuttal to the application for amendment of the plaint. In
spite of this application, the respondents have chosen not to
appear and file any opposition to the application for amendment.
The subsequent facts, in our view, if established of the trial would
enable the appellant to a decree for divorce, instead of requiring
the appellants to file a fresh suit on the said ground of bigamy and
adultery we feel that it would be convenient if the appellants is
allowed to amend the plaint on discovery of such remarriage.

Under such circumstances, the application for amendment of
the plaint is allowed.

The learned Counsel for the appellant submits that the trial
court may be directed to dispose of the suit on the issue of bigamy
and adultery. He has also submitted that he is not challenging the
decree as it stands.

We request the learned trial court to expedite the suit and

dispose of the suit on the aforesaid issues after giving a reasonable opportunity to the respondents to appear and file their written statement.

The appeal and the application stand disposed.

The department shall carry out the amendment within three weeks from date and thereafter send down the LCR along with the amended plaint to the learned Additional District Judge, Haldia.

(Uday Kumar, J.)

(Soumen Sen, J.)