

S/L 57
20.01.2023
Court. No. 12
Suwayan

CO 1886 of 2022

Parbati Bagchi alias Basu
Vs.
Sandipan Bagchi

Mr. Sobhan Majumder
Ms. Kalpita Paul

...for the petitioner.

Mr. Arijit Chatterjee
Mr. joydeep Mukherjee

...for the opposite party.

Both sides are represented by their respective learned Advocates.

In this revisional application the Order No. 67 dated June 16, 2022 as passed by the learned Additional District Judge, Fast Track, 3rd Court at Medinipur in Mat. Suit. No. 557 of 2017 has been impugned.

By the impugned order learned Trial Court in a suit for dissolution of marriage has allowed the plaintiff/husband's application for amendment of plaint. The defendant/wife felt aggrieved and, thus, preferred the instant revisional application.

In support of the instant revisional application learned Advocate for the revisionist/wife at the very outset draws attention of this Court to the plaint as filed by the opposite party/husband before the learned Trial Court as well as the schedule of amendment as sought to be made by the opposite party/husband before the learned Trial Court by filing a petition for amendment of plaint. It is contended by him that by way of proposed amendment, the opposite party/husband herein has

brought altogether some new facts which are foreign to the subject matter of litigation and, therefore, learned Trial Court is not justified in allowing such amendment by the impugned order.

Learned Advocate for the husband/opposite party, however, contended that the amendment as sought for before the learned Trial Court is very much necessary for effective adjudication of the said suit.

On perusal of the entire materials as placed before this court and after hearing the learned Advocates of the rival parties, it does not transpire to this Court that any miscarriage of justice has been caused to the present petitioner/wife by the passing of the impugned order by the learned Trial Court. It appears to this Court that by way of proposed amendment the plaintiff/husband before the learned Trial Court has sought for introduction of some elaborate facts in support of the plaint case which the present revisionist/wife as a defendant before the Trial Court can very well deny by filing her additional written statement.

Such being the position, this Court finds no merit in the instant revisional application and accordingly the revisional application is dismissed.

As a result the impugned Order No. 67 dated June 16, 2022 as passed by the learned Additional District Judge, Fast Track, 3rd Court at Medinipur in Mat. Suit. No. 557 of 2017 is hereby affirmed.

It is further directed that learned Trial Court shall give an opportunity to the defendant Parbati Bagchi alias

Basu to file her additional written statement in Mat. Suit No. 557 of 2017 after receipt of copy of the amended plaint from the plaintiff.

Department is directed to forward a copy of this order to the learned Trial Court at the earliest.

Urgent photostat certified copies of this order, if applied for, be supplied to the parties upon compliance with all the necessary formalities.

(Partha Sarathi Sen, J.)