

24.09.2024
Item No.16 DL
Ct.19
A.J.

**IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION**

C.O. 3407 of 2024

Smt. Renu Kumari

-Vs-

Sri Pankaj Kumar Ram

Mr. Suvadeep Senfor the petitioner.

Mr. Pinaki Ranjan Mitra.....for the
opposite party.

Affidavit of service filed on behalf of the petitioner be
kept with the record.

The instant application under Article 227 of the
Constitution of India is at the instance of the wife, the
respondent of the connected Matrimonial Suit No. 763 of 2020
filed by the husband, the opposite party herein for dissolution
of the marriage between them by a decree of divorce.

The said suit is pending before the 2nd Court of the
learned Additional District Judge, District-Howrah.

The learned Trial Judge by the order impugned has
dismissed an application under Order VI Rule 17 of the Code
of Civil Procedure filed by the wife for amendment of her
written statement.

The husband is seeking the decree of divorce *inter
alia*, on the grounds of desertion. The wife, by the proposed
amendment, wants to bring pleadings in her written statement
to deny the said allegation.

The trial of the suit though has commenced but
considering the nature of the suit, this Court is inclined to

afford an opportunity to the wife to bring pleadings in her written statement to deny the said allegation of desertion.

The order impugned, therefore is set aside.

The wife is required to file amended written statement within a period of two weeks from date. The husband is permitted to file supplementary evidence-in-chief to deal with the amended portion of the said written statement and to tender such evidence-in-chief on the next date fixed in the suit and upon the completion of the said evidence, the wife is obliged to conclude cross-examination of the husband on the said date itself.

C.O. 3407 of 2024 is disposed of without any order as to costs.

Urgent Photostat certified copies of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Biswajit Basu, J.)