

04.02.2026
Ct. No. 06
Item 602
Cp

C.O. 148 of 2025

Jolly Agarwal
Vs.
Anil Agarwal

Mr. Anirban Sarkar

.....for the petitioner.

Affidavit of service is taken on record. Despite service, none appears on behalf of the opposite party.

The petitioner is the wife who filed the suit for divorce. The suit was registered as Matrimonial Suit No.494 of 2023. The suit is pending before the learned Additional District Judge, 1st Court, Serampore, Hooghly.

The petitioner filed an application for amendment of the petition which was merely for correction of certain dates. In the second line of paragraph 17 of the plaint April 19, 2020 was sought to be corrected as June 19, 2020, i.e. the date when the petitioner was standing in the common passage of the apartment and heard some noise from the bedroom. Such correction does not alter the case of the petitioner at all and even if it does, whether on such date any incident as narrated in paragraph 17 of the petition had occurred or not is a matter of trial.

Similarly, in paragraph 23, line no. 21 and in paragraph 27, line no. 2 the same correction with regard to the date, i.e. June 19, 2020, were was sought to be incorporated.

It is well-settled that the correctness of the facts or the incidents which took place on June 19, 2020 will have to be proved at the trial. The court is not required to go into such issue at the stage of deciding whether the amendment should be allowed or not. The amendment was taken out prior to framing of the issues. There is no change either in the cause of action or in the nature of the suit if the amendments are allowed.

Accordingly, the order impugned is set aside.

The amendment is allowed. The amended petition shall be filed within three weeks from the date of communication of this order.

The court shall allow the husband to file his amended written statement.

The revisional application is accordingly disposed of. There shall be no order as to costs.

Parties are to act on the server copy of this order.

(Shampa Sarkar, J.)