

N.22S1
151/CL

CO 530 of 2026

Smt. Anushree Fogla (Kejriwal)
v.
Shri Shubham Kejriwal

18.06.26
DL-26
Ct-06
(S.R.)

Ms. Kavita Saraff
Mr. Amritam Mondal
Mr. Shibhanjan Paul ... for the petitioner.

Mr. Dipayan Kundu
Mr. Prasum Mukherjee
Miss. Kanchan Roy
Mr. Atmadeep Chowdhury
... for the opposite party.

1. This revisional application is directed against an order dated January 27, 2026 passed by the learned Additional District Judge, 2nd Court, Sealdah in Mat. Suit No.97 of 2024 whereby the petitioner's application under Order 6 Rule 17 read with Section 151 of the Code of Civil Procedure, 1908 for amendment of plaint has been rejected.
2. Mat. Suit No.97 of 2024 has been instituted by the petitioner seeking dissolution of marriage under Section 27 of the Special Marriage Act. It is the petitioner's case that during pendency of the suit, the petitioner made an application under the Right to Information Act before the Public Information Officer, Registrar of Marriages and obtained information to the effect that the relevant Marriage Registrar whose certificate has been relied on by the opposite party had no authority to register

marriages.

3. Upon getting such information, the petitioner made an application seeking amendment of plaint by incorporating this aspect and by inserting a further prayer for declaration of the marriage as a nullity. Such application has been turned down by the learned Trial Court by the impugned order.
4. Feeling aggrieved thereby, the petitioner has approached this Court by way of the present revisional application.
5. Mr. Mondal, learned advocate appearing for the petitioner submits that the learned Trial Court has committed a jurisdictional error in declining the petitioner's prayer inasmuch as it is well-settled that in a suit for dissolution of marriage a prayer seeking a decree that the marriage is a nullity can also be made. In support of his contention he relies on a Coordinate Bench judgment of this Court in the case of **Smt. Nirupama Biswa v. Dr. Dilip Kumar Biswas** in CO. 254 of 2022 decided on February 8, 2024
6. Mr. Kundu, learned advocate appearing for the opposite party submits that the proposition of law can hardly be contested. However, the two reliefs cannot be claimed by the petitioner together but in the alternative.
7. Having heard the learned advocates appearing for the respective parties and having considered the

material on record, this Court is of the view that the order dated January 27, 2026, which has been impugned in the present revisional application deserves interference.

8. A Coordinate Bench of this Court in the case of **Smt. Nirupama Biswas** (supra) has referred to an earlier judgment of this Court in the case of **Supriya Chakraborty (Nee Paramanik) vs. Champak Kumar Chakraborty** reported at **AIR 2000 Cal 76** wherein it was held that amendment of plaint by incorporating an additional ground and an alternative prayer for a decree of nullity was not erroneous.
9. In such view of the matter, the order impugned dated January 27, 2026 is set aside.
10. The learned Trial Court shall permit the petitioner to amend the plaint as indicated in the schedule of amendment with the alternative prayer for declaration of marriage as a nullity and pass appropriate consequential orders preferably on the next date fixed.
11. With the aforesaid observations, CO 530 of 2026 stands disposed of. No costs.
12. Urgent certified photocopy of this order, if applied for, be supplied as expeditiously as possible.

(Om Narayan Rai, J.)