

ORDER BELOW EXH.41 IN HMP NO.33/2021

(Priti Nilesh Shinde X Nilesh Mohan Shinde)

The respondent husband, contesting the petition for restitution of conjugal rights by the wife, has filed this application for setting aside no-amended W.S. order as he failed to file the amended W.S. in consequence to the amendment pleadings of the petitioner by way of order below Exh.36.

2. In support of the application, the respondent husband submitted that by way of order below Exh.36, the petitioner was permitted to amend the petition for incorporating the pleadings with respect to permanent alimony. The respondent was expected to file his written statement on the said amended after it being carried out by the petitioner. As the respondent is a government servant residing and posted outside the jurisdiction of the district, he could not file the amended W.S. in time. He may be granted an opportunity to file his amended W.S. in the present petition.

3. The petitioner opposed the application by contending that the reasons for delay in filing the amended written statement are not justifiable and therefore the application deserves to be rejected. In the event of allowing the application, it deserves to be subjected to heavy costs.

4. Heard learned counsel for both the parties.

5. The original petition is filed by restitution of conjugal rights. The petitioner had amended the petition for incorporating the prayer of permanent alimony. The original W.S. of the respondent is already on record. There is no inordinate delay in filing the application. The valuable rights of the parties are involved in the litigation and therefore I am inclined to allow the application by

subjecting it to a nominal cost. Accordingly, I proceed to pass the following order :-

ORDER

1. Application Exh.41 stands allowed subject to cost of Rs.1,000/- payable to the petitioner.
2. The amended written statement of the respondent be taken on record on payment of cost.

Date: 04/08/2025

(R.B.Giri)
Civil Judge Sr. Division,
Shrirampur.