

Mat Suit No. 389 of 2022

Order No. 08 dated 06/02/2024

Both parties file haziras through respective Ld. Advocates.

O.P./wife files written objection against the petition for amendment.

Today is fixed hearing of the petition U/O 6 Rule 17 of CPC dated 05.04.2023 filed by the petitioner.

The petition is taken up for hearing.

Ld. Advocate moving the petition submitted that after filing of the instant suit the O.P./wife became vindictive towards the petitioner. She lodged litigations on false and fabricated grounds against the petitioner. The petitioner wants to insert all those facts in the plaint by way of amendment in terms of schedule of the petition and the amendment, if allowed, will not change the nature and character of the case.

Ld. Advocate appearing for the O.P. pressing the written objection denied all the allegations of the petitioner. It is submitted that the facts sought to be incorporated in the plaint by amendment are all subsequent facts not touching the merit of the matter and the same is in no way formal in nature and if allowed the same would change the nature and character of the suit. Accordingly, he prays for rejection of the prayer of the petitioner.

Considered.

The evidence of the parties have not yet commenced. The opposite party has not yet submitted the written objection to the main petition for divorce. Having heard the submission and perused the entire case record, Court is of the view that the amendment sought being formal in nature should be allowed.

Accordingly, petition U/O 6 Rule 17 is allowed on contest without costs. The petitioner is permitted to incorporate the amendment as sought for in the schedule appended with the petition U/O 6 Rule 17.

Fix **22.03.2024** for filing amended copy of application and W.O. to the main petition positively.

Dict. & Corrected by me

D.J.

District Judge, Hooghly