

Mat suit no.369/2015
CNR no.WBHG01- 005458-2015

Order no.75 dated 19.08.2025

One application for amendment U/O 6 Rule 17 CPC read with section 151 & 153 of the CPC is filed today by the petitioner side after copy service upon the respondent side. The petition is found supported by affidavit.

Another petition is filed on behalf of the respondent/wife giving particulars of the arrear maintenance dues against the petitioner/husband namely Goutam Ghosh. Both parties file haziras through learned Advocates.

Heard both sides. Considered.

The learned Advocate for the petitioner/wife submits that in view of the petition filed on dated 26.02.2024, the present Mat suit should be stayed till the payment of the arrear maintenance in view of the judgement passed in M.C case no.167/2016 dated 25.11.2024.

The learned Advocate for the petitioner/husband conceded the fact that they have not paid any maintenance amount in view of the judgement in the Misc case.

Now, in the matter of amendment petition filed by the petitioner/husband, it is submitted by his learned Advocate on record that in part 2 of the plaint one unintentional mistake has occurred regarding the place of marriage. It is solemnized at Ramkrishnapur under P.S. Shibpur within District Howrah. The other statements in part 2 shall remain as it is. He submits that the prayer for amendment is formal in nature and if allowed, it will not change the nature and character of the present suit.

The learned Advocate for the respondent/wife submits that such petition after about 10 years should not be allowed. It should be rejected ex-facie.

I have gone through the relevant paragraph no.2 of the original plaint and the written statement filed by the respondent/wife. It appears that the respondent/wife has stated that the marriage was solemnized at the place as given in the proposed amendment schedule. It should be allowed by the learned court, subject to cost.

After hearing the parties and after considering the amendment application and the pleadings of the parties, I am of the considered view that the prayer for amendment appears to be quite formal in nature. If such amendment is allowed, it will not change the fundamental nature and character of the suit. Also it will not cause any prejudice to the respondent/wife because of the fact that they have admitted such place of marriage in their written statement.

Accordingly, the prayer for amendment filed today on dated 19.08.2025 is hereby **allowed on contest** without cost.

The appellant is hereby permitted to cause necessary amendment in his plaint.

Now, let me consider the application of stay filed by the respondent/wife. Upon due consideration of the arrear maintenance vide the judgement passed in the Misc case no.30/204 and after the dismissal of the said Misc case U/O 47 Rule 1

CPC, the petitioner / husband has not tested this judgement before the Hon'ble High Court at Calcutta. Therefore, till date it holds good in law.

The petitioner/husband is liable to clear out the entire arrear maintenance which has fallen due against him and liable to be paid to his wife Mahuya Ghosh. Than completely staying the entire Mat proceeding I would like to give one more opportunity to the appellant to clear out the entire arrear maintenance to his wife failing which without further reference the instant Mat suit shall be stayed.

The application for amendment stands disposed of. The stay application shall be finally disposed of on payment of full arrear maintenance till date.

To 20.09.2025 for filing fresh amended plaint and payment of arrear.

Dictated & corrected by me

Sd/-
Additional District Judge,
1st Court, Chinsurah
J.O Code WB00753

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