

**Matrimonial Suit 677 / 2016**

(C.N.R. - WBHG05-002406-2016)

**Present: Smt. Ratna Roy**  
(J.O. Code - WB00914)

**Order No. 41 dtd. 23.05.2025**

Both sides filed hazirah through their respective Ld. Advocates.

Today is fixed for hearing of the application under Order 8 Rule 9 read with section 151 C.P.C. filed by the respondent on 28.05.2025.

W.O. is filed by the petitioner against the petition.

Heard both sides over the petition.

Ld. Advocate for the respondent submitted that the written statement was drafted hurriedly and the Ld. Advocate conducting the case had failed to point out some of the defences of the respondent. That for proper adjudication of the case, the defences of the respondent needs to be mentioned. He thus prayed that leave be granted for filing additional W.S.

Ld. Advocate for the petitioner submitted that the case was filed in the year 2016. On 01.07.2017 W.S. was filed by the respondent. Already the evidence of the petitioner is complete. Several dates have been given for evidence of O.P. but continuously adjournment was prayed. In the year 2025 the respondent came to fill up lacuna in respect of the original W.S. filed. If the respondent has any separate case, she could have easily filed counterclaim.

Considered submissions of both sides. Perused the petition and the case record.

Though the respondent had vide the petition under Order 8 Rule 9 read with section 151 C.P.C. had prayed for leave for filing additional W.S. but has not mentioned the points which the respondent wants to add by filing additional W.S. I find that already the evidence of the petitioner is over. Since 03.02.2023 the case got fixed for D.W. Several adjournments have been prayed for by the respondent and when the case got fixed for O.P.W., in default, argument, the respondent has prayed for filing additional written statement. Additional written statement cannot be allowed to be filed to fill up lacuna. I thus do not find any ground to allow the application under Order 8 Rule 9 read with section 151 of C.P.C. Hence, the petition stands rejected.

To **21.08.2025** for O.P.W., in default, argument.

Dictated & corrected by me.

Sd/- (Smt. Ratna Roy)  
A.D.J.

Sd/- (Smt. Ratna Roy)  
Additional District Judge  
1<sup>st</sup> Court, Serampore