

Misc Case 256 of 2022

Order dated 24/09/2024

Today is fixed for hearing of the amendment application positively.

Both sides filed haziras.

Petitioner files some documents with firisti.

Both sides heard in full.

Ld Advocate for the petitioner has submitted that during the pending of this case it has come to the knowledge of the petitioner that the OP has not disclosed about his earnings properly. It was stated by the petitioner that the OP has landed property, house, pond etc and apart from that he earns Rs 1,00,000/- from being an employee of GIC. It is also stated that the OP has a house at Uttarpara and another home in the village. It was also submitted by the Ld Advocate for the petitioner that the OP and his mother has a joint account at SBI and Indian Overseas Bank. The OP is also said to be an agent of LIC and United India Insurance along with the fact that he has a huge amount in Sriram insight , Share Brokers Ltd. It was further stated that the OP has suppressed all the above facts. AS such the petitioner prayed for amendment of the petition u/s 12 of the PWDV Act in the light of the aforesaid submissions to incorporate the details of earnings and assets of the OP as per the schedule f the instant application.

The OP has filed his W/O against the instant petition and denied all the material allegations. Ld Advocate for the OP has contended that the instant petition is false and misconcieved and thus, prayed for dismissal of the same.

Perused the petition , w/o and other connected materials on record.

Considered.

Upon perusal of the record, it appears that the petitioner has submitted the print out copies of live data of LR Khatian in respect of the OP husband and his family members. The petitioner has also filed photocopies of KYC form of the account of the OP/husband and his mother in SBI Uttarpara Branch, along with photocopies of ID Card of the OP of United India Insurance, document of LIC and Sriram Insights Share brokers Ltd in support of her contentions. This Court observes that the petition u/s 23 of PWDV act is yet to be disposed of. The adducing of evidence has not yet started in this case. Moreover, if the proposed amendments of the petitioner are allowed, the same will not change the nature and character of the case and moreover the same would be put to the test of the trial and would be liable to be adjudicated on merit. Thus, under the said circumstances, this Court is inclined to allow the prayer of the petitioner.

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Hence, it is

ORDERED,

that the petition for amendment of the misc case application u/s 12 of the PWDV Act is hereby allowed on contest. There shall be no order as to costs.

Fix **16.01.2025** for filing amended application u/s 12 of the PWDV Act by amending the same as per the schedule of the petition for amendment and serving copy thereof to the O.Ps and filing S/C, W/O and affidavit of assets and liabilities by the OP.

JM/3rd Court/Serampore