

Mat Suit No. 191/2025, CIS Registration No.191/2025
CNR No. WBND05-000-316-2025, J. No. – WB00766

Order no. 03

Dated: 21.04.2026

Both the parties are present by filing respective haziras.

Today is fixed for reconciliation, i.d. hearing.

Both parties have filed one joint petition under Order 6, Rule 17 read with section 151 CPC, praying for amended the application for divorce by mutual consent. The petition is supported by affidavit.

Ld. Advocates of both petitioners submit that due to inadvertence and typographical mistake section 13B of Hindu Marriage Act, 1955 has been mentioned in the cause title and body of the plaint instead of section 28 of Special Marriage Act, 1954. They further submits that the marriage was solemnized on 01.02.2017 and subsequently registered under section 16 of Special Marriage Act on 05.04.2017. Therefore, the present matrimonial suit to be covered under Special Marriage Act, 1954. The Ld. Counsels further contended that the petition is made bona fide and without any mala fide intention.

Heard the Ld. Advocates for the parties. Perused the petition and the other materials on record. The fact remains that the present suit is filed by the petitioners praying for divorce by mutual consent. The record also reflects that marriage was solemnized between the parties on 01.02.2017 and subsequently registered under section 16 of Special Marriage Act, 1954 on 05.04.2017. But the instant suit is filed under Hindu Marriage Act, 1955 instead of Special Marriage Act, 1954. Now, the petitioners came before the court to rectify the mistake by way of filing the present amendment petition. The proposed amendment in my view will not change the fundamental nature & character of the suit and by way of this proposed amendment no new pleadings or inconsistent cause of action is being introduced. If the proposed amendment is allowed, then neither of the parties will be prejudiced in any way as the parties filed this case jointly praying for divorce by mutual consent. In the lights of the forgoing discussion and regards being had to the provisions of law and the materials on record, specially to avoid multiplicity of proceeding, in my considered view the prayer for amendment is required to be allowed.

In consequence, the petition filed by the parties under Order 6, Rule 17 read with section 151 CPC is hereby allowed. Parties are directed to file amended plaint on the next date.

To 21.05.2026 for filing amended plaint by the parties and hearing.

Dictated & Corrected by me

Sd/-
ADJ, Nabadwip, Nadia.

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ADJ, Nabadwip, Nadia.