

Matrimonial Suit 71 / 2010  
( R No. 1384 of 2010)

Order dt. 18.09.2017

Today is fixed for order in respect of the petition filed U/o 6 R-17 read with Section 151 CPC.

I have heard Ld. Advocates for both sides in respect of the said petition. Perused the said petition as well as written objection filed by the respondent. On perusal of the instant petition, it appears that the petitioner wants to amend the Cause Title of the plaint and prayer portion of the plaint. It has been stated in the petition that if the marriage does not fall under the provision of Hindu Marriage Act, 1956, then alternatively the petitioner prays for decree U/s 28 of Special Marriage Act, 1954.

By filing written objection, the respondent has stated that evidence of the parties are completed and the argument has also heard in part. In that stage, the petitioner has filed the instant amendment in the plaint which is afterthought and to fill up his lacuna. So, the instant petition should be rejected.

Considering the facts and circumstances of the case and on perusal of the materials of record, it appears that the evidence of the parties had been completed and the case is in the argument stage. At this stage, the petitioner has filed the amendment petition. It is up to the petitioner to prove his case on his own strength. So, I opine that the instant amendment petition should be allowed for the ends of justice as it does not change the nature and character of the suit.

Hence, it is

Ordered

that the instant petition filed U/o-6 R-17 read with section 151 CPC is hereby allowed on contest with cost of Rs.500/- payable to the respondent.

The petitioner is directed to file amended plaint on the date fixed.

Fix 10.01.2018 for filing amended plaint, hearing of the suit and payment of cost.

Sd/-

Addl. Dist. Judge  
14<sup>th</sup> Court, Alipore  
South 24 Paraganas