

**MAT. SUIT. 2408 of 2022**  
**CNR NO.WBSP01-011039-2022**  
**Present: Sarajit Mazumder [J.O Code: WB00646]**

**Order No.47**

**Dated 31-08-2024**

Today is fixed for hearing of application dated 21.08.2023.

Both the parties are represented through their respective learned advocates and on their behalf lawyer's haziras are filed.

The application dated 21.08.2023 is taken up for hearing.

Heard learned advocate for the petitioner who submits for permitting him to add Ranadeep Chakraborty as proforma respondent on the ground that the respondent had illicit relation with the person and that is pleaded by him in Para no.10 and 20 of the plaint. According to him adulterer, in a suit for divorce on the ground of adultery under section 27 of Special Marriage Act, is proper as well as necessary party. In support of his contention he referred the decision of the Hon'ble High Court, Calcutta passed in AIR 1982, Calcutta 370.

Learned advocate for the respondent raises vehement objection on the ground that in a suit for divorce the dispute encircled concerning rift between the spouse. The relief of divorce is also against the other spouse. Accordingly, this application should be rejected.

Perused the application, its objection and other materials on record.

Considered.

In this suit in addition to the other ground there is pleading of adultery. Not only that the petitioner has claimed for damages. It appears to me that in a suit for divorce under Special Marriage Act on the ground of adultery the alleged adulterer is necessary party. Accordingly, I am of the humble view that the instant application for addition of party should be allowed.

Hence it is

**O R D E R E D**

That the application dated 21.08.2023 under Order 1 Rule 10 (2) of the C.P.C is allowed on contest without cost.

Let Randeep Chakraborty be added as respondent no.2.

Issue notice upon respondent no.2.

Petitioner is directed to submit the amended copy of the petition for divorce u/s 27 of Special Marriage Act. He is further directed to put requisite at once.

Let it be noted in original plaint.

Diary is congested.

Fix 17.12.2024 for S/R & AD.

Dictated & corrected by me

Additional District Judge,  
1st Court, Alipore

ADJ, 1<sup>st</sup> Court, Alipore