

Mat- 228/2023
(CNR No. WBS15-000553-2023)
(J.O. Code- WB00859)

Order No. 13

Dated: 03.09.2024

Today has been fixed for hearing of the petition dated 16.04.2024 filed on behalf of the petitioner/ husband under Order VI Rule 17 C.P.C.

Petitioner is present by filing hazira.

Respondent has also files hazira.

The said petition under order VI rule 17 C.P.C. is taken up for hearing.

Heard the Ld. Advocates of both the parties.

Perused the said petition and the case record.

Considered.

On perusal of the case record it appears that a similar application was filed by the petitioner on 02.03.2024 praying for incorporating the same fact in the original plaint. Today at the commencement of the hearing, the Ld. Advocate of the petitioner "Not pressed" the said petition dated 02.03.2024. However, from the case record it appears that this Court by order no. 8 dated 22.03.2024 has already allowed the said amendment petition dated 02.03.2024. Thus, it is clear that the Ld. Advocate of the petitioner is totally ignorant about the proceeding of this case. Therefore, at this stage there is no scope for not pressing the petition dated 02.03.2024 as the same has already been disposed off.

As the facts which are sought to be incorporated in the plaint by amendment petition dated 16.04.2024 has already been allowed earlier, there is no necessity to allow a similar application.

Hence, it is

ORDERED

That the petition under Order VI Rules 17 C.P.C dated 16.04.2024 filed by the petitioner is rejected on contest but without cost.

Fix 01.10.2024 for appearance of both parties for reconciliation.

D/C by me,

Sd/- A. Chattopadhyay
A.D.J. 2nd Court, Kakdwip

Sd/- A. Chattopadhyay
Addl. Dist. & Sessions Judge, 2nd Court,
Kakdwip, South 24 Parganas