



SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			<u>WPMS/2308/2026</u> Bharat Grover --Petitioner Versus Nimmi Rawat --Respondent <u>Hon'ble Manoj Kumar Tiwari, J.</u> Mr. Neeraj Garg, Advocate for the petitioner. Mr. Rajat Mittal, Advocate for the respondent. 2. Petitioner is defendant in a Divorce Suit, pending before the Additional Principal Judge, 2nd, Family Court, Dehradun, which is numbered as Original Suit No. 1229 of 2023, Smt. Nimmi Rawat Vs. Bharat Grover. In the said Suit, petitioner moved an application under Order 6 Rule 17 CPC seeking leave to amend the written statement. 3. Learned Additional Principal Judge, Family Court rejected the said application vide order dated 16.07.2026. Thus feeling aggrieved, petitioner has approached this Court. 4. Learned counsel for the petitioner submits that petitioner filed a Suit under Section 9 of Hindu Marriage Act for restitution of conjugal rights, which was decreed by learned Family Court, Kashipur on 18.09.2024. He submits that in the written statement, although there was a reference to that Suit, however, the fact that the suit was



		decreed in favour of defendant (petitioner herein) required to be mentioned in the written statement. 5. He further submits that the assertion that plaintiff in the suit for divorce (respondent herein) is not joining the company of petitioner despite decree of restitution of conjugal rights also deserves to be added in the written statement. 6. He further submits that plaintiff did not approach the Family Court with clean hands, as she mentioned incorrect date of dissolution of her first marriage with one Mr. Shailendra Rawat. He submits that in the plaint, the date of decree of dissolution of first marriage was mentioned as 08.11.2021; plaintiff thereafter moved an application under Order 6 Rule 17 for correcting the date of decree of dissolution of marriage as 08.11.2019, and during pendency of first application filed by plaintiff under Order 6 Rule 17 CPC, she filed another application, seeking leave to amend the plaint wherein the date of decree of dissolution of her earlier marriage was indicated as 21.10.2019. 7. Learned counsel for the petitioner thus submits that this conduct of the plaintiff-respondent shows that she is playing hide-and-seek with the Family Court.
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		8. Learned counsel for the plaintiff-respondent, however, submits that the decree of restitution of conjugal rights was passed <i>ex parte</i> in favour of petitioner and application filed under Order 9 Rule 13 CPC by the respondent (wife) is pending before the Court concerned. 9. He further submits that decree for restitution of conjugal rights passed in favour of petitioner has been placed on record of the Divorce Suit, vide order dated 04.11.2025 passed by Additional Principal Judge, Family Court, Dehradun. He further submits that due to typing mistake, in the first application seeking leave to amend the plaint, an incorrect date was mentioned and before any order could be passed on the first application, another application was filed by his client under Order 6 Rule 17 which was allowed by Additional Principal Judge, Family Court, Dehradun vide order dated 22.04.2026. 10. Mr. Rajat Mittal, learned counsel appearing for plaintiff (wife) further submits that since there is a decree of restitution of conjugal rights passed by competent Court of law, therefore petitioner can place reliance upon that decree during the course of arguments. He thus submits that there is no need to amend the written statement only for mentioning
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the fact that suit for restitution of conjugal rights was decreed in favour of defendant-petitioner.

11. The reasons assigned for rejecting petitioner's application are valid. Thus this Court do not find any good ground to interfere in the matter, while exercising supervisory jurisdiction under Article 227 of the Constitution.

12. However, it shall be open to petitioner to rely on the decree passed by learned Family Court, Kashipur during the course of argument.

(Manoj Kumar Tiwari, J.)

04.08.2026

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