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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CM(M) 826/2026, CM APPL. 24328/2026 (Stay) & CM APPL. 24329/2026 (Ex.)

SAKSHI DESWAL Petitioner
Through: Mr. Advait Chandra & Mr.
Raman Tripathi, Advocates.
versus

SAHIL SINGH Respondent
Through:

CORAM:
HON'BLE MR. JUSTICE HARISH VAIDYANATHAN
SHANKAR

% **ORDER**
22.07.2026

1. The present Petition has been filed under Article 227 of the Constitution of India, 1950 challenging the Interlocutory Order dated 16.03.2026 [**"Impugned Order"**] passed by the learned Principal Judge, Family Courts, New Delhi District, Patiala House Courts, New Delhi [**"learned Trial Court"**] in the case, being HMA 301/2025, titled "*Sunil Singh v. Sakshi Deshwal*" [**"said Petition"**], whereby the application filed under Order VI Rule 17 read with Section 151 of the Code of Civil Procedure, 1908 [**"said Application"**] by the Petitioner was dismissed by the learned Trial Court.

2. By way of the said Application, the Petitioner herein sought to amend the reply to the said Petition and the Application under Section 24 of the Hindu Marriage Act, 1955 [**"HMA"**].

3. Learned counsel appearing on behalf of the Petitioner submits that the learned Trial Court has erred in not permitting the said amendment since the amendments can be permitted at any stage prior



to the commencement of the trial. He further submits that only certain factual aspects which were supplementing his reply and his application under Section 24 of the HMA were sought to be introduced.

4. This Court has heard the learned counsel appearing on behalf of the Petitioner and also perused the relevant portion of the Impugned Order, which reads as under:

“7. In the matter in hand, as stated earlier the issues have already been framed and even both parties have filed list of witnesses and petitioner had even filed affidavit of evidence of PW-1. Once the issues framed and affidavit of evidence of PW-1 has been filed, in the light of above judgment, the trial in this matter was already commenced before filing of the present application. The contentions of Ld. Counsel for respondent in this respect are found to be without any force.

However, the Court can allow a party to amend the pleadings even after commencement of trial, but the same can be considered provided the party satisfy the court that in spite of due diligence, the party could not have raised the matter before commencement of trial.

In the matter in hand, the petitioner intends to add certain new facts, amend the existing facts and delete certain facts by way of present application. However, from perusal of original facts and amendment sought, it is found that there is nothing on record which suggest that any fact which the respondent intend to amend was not in her knowledge earlier. Meaning by all the facts which the respondent intends to incorporate by way of present application, were in the knowledge of respondent when the written statement, application U/s 24 of HMA and affidavit of income, assets and liabilities were filed.

Further from careful scrutiny of contents of application, it is found that by way of present application, the respondent intend to retract from the plea/defence taken by respondent which can easily be termed as admissions.

Issues in this matter have already been framed and petitioner has already lead his examination in chief by way of affidavit. Under these circumstances, a grate prejudice would be caused to the interest of petitioner, in case the application is considered.

In case **Modi Spinning and Weaving Mills vs Ladha Ram & Company, (1976) 4 SCC 320**, the Hon'ble Supreme Court has, inter alia, held as under:

It is true that inconsistent pleas can be made in



pleadings but the effect of substitution of paras 25 and 26 is not making inconsistent and alternative pleadings but it is seeking to displace the plaintiff completely from the admissions made by the defendant in the written statement. If such amendments are allowed the plaintiff will be irretrievably prejudiced by being denied the opportunity of extracting the admissions from the defendants. The High Court rightly rejected the application for amendment and agreed with the trial court.

In the light of this judgment, the party should not be allowed to alter its pleadings which amounts to withdraw from the admissions.

In the light of above discussion, present application is found to be devoid of any merits, hence, the same stands dismissed with cost of Rs.4000/- imposed upon respondent, payable to petitioner by NDOH.”

5. A perusal of the Impugned Order demonstrates that the learned Trial Court has examined the said Application seeking amendment in the backdrop of the *proviso* to Order VI Rule 17 of the Code of Civil Procedure, 1908. Upon such examination, the learned Trial Court has returned a categorical finding that the trial had already commenced, the issues had been framed, the affidavit of evidence of PW-1 had been filed and that the facts sought to be introduced by way of amendment were admittedly within the knowledge of the Petitioner at the time of filing the reply to the said Petition and the Application under Section 24 of the HMA.

6. The learned Trial Court has further recorded that the proposed amendments were not merely clarificatory or explanatory in nature but had the effect of permitting the Petitioner to resile from admissions already made in the pleadings. The learned Trial Court concluded that permitting such amendments, particularly after commencement of trial, would cause serious prejudice to the Respondent and would be contrary to the settled principles governing amendment of pleadings.

7. The findings returned by the learned Trial Court are based upon



a consideration of the pleadings, the stage of the proceedings and the settled principles governing the exercise of jurisdiction under Order VI Rule 17 of the Code of Civil Procedure, 1908.

8. This Court does not find that the discretion exercised by the learned Trial Court suffers from any jurisdictional error, patent illegality or perversity warranting interference in exercise of the supervisory jurisdiction under Article 227 of the Constitution of India.

9. It is trite that the jurisdiction of this Court under Article 227 of the Constitution of India is supervisory and not appellate. Unless the order under challenge is shown to suffer from patent perversity, manifest illegality or jurisdictional infirmity, this Court would not substitute its own view merely because another view may also be possible. In the facts of the present case, no such ground has been made out.

10. In view of the aforesaid, this Court finds no infirmity in the Impugned Order dated 16.03.2026 warranting interference.

11. The present Petition, along with all pending Application(s), if any, is accordingly dismissed.

HARISH VAIDYANATHAN SHANKAR, J.
JULY 22, 2026/tk/dj