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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.2104 OF 2015

Arjun Dattatraya Gosavi.

..Petitioner

-Versus-

Sangita Arjunrao Gosavi and another.

..Respondents

.....

Mr.Shrikrashna B. Solanke, Advocate for the Petitioner.

.....

CORAM: RAVINDRA V. GHUGE, J.

DATE :- 02nd March, 2015

Per Court:

1 I have heard Mr.Solanke, learned Advocate for the Petitioner,
for quite sometime.

2 The grievance is as regards the order dated 24.11.2014
passed below Exhibit-242 in RCS No.376/2012 by which the application
seeking amendment under Order 6 Rule 17 of the Code of Civil Procedure
has been allowed.

3 Further grievance of the Petitioner is that RCS No.376/2012
was instituted in 2006 and was registered as Special Civil Suit
No.41/2006. It is after transfer from Shrigonda to Ahmednagar that it has

been renumbered as RCS No.376/2012.

4 It is, therefore, submitted that though the Roznama placed on record indicates that the parties had already closed their evidence, an application for amendment has been filed proposing amendment below paragraphs 12 and 12-B. By the proposed amendment, the Respondent has increased the amount of maintenance sought by her, as well as, she is seeking maintenance for a period of one year prior to the institution of the suit.

5 The Petitioner submits that the intention of the Respondent is to deliberately delay the matter and tire out the Petitioner. The delay in the matter is bound to cause mental agony to the Petitioner and he would be required to suffer rigours of litigation owing to the delay.

6 I have considered the submissions of Mr.Solanke, learned Advocate for the Petitioner and with his assistance I have also gone through the petition paper book.

7 Exhibit-202 filed earlier by the Respondent was for bringing her son, said to be born out of the relationship with the Petitioner, on record. Exhibit-202 was allowed. The Petitioner preferred Writ Petition

No.8367/2012 which was rejected by this Court on 26.11.2012.

8 It is not in dispute that the suit is pending adjudication practically for the past nine years. The reasons for seeking amendment only to the extent of increasing the amount as claimed towards maintenance of the Respondent as well as her son, are set out in the proposed paragraphs. As such, the amendment allowed is only for increasing the amount of claim. That would not mean that whatever the Respondent has claimed has been granted. Before granting any maintenance, the Trial Court is bound to consider the relative hardships of the litigating parties, financial strength, passage of time, escalation in day do day costs of needs and necessities of the parties and the growing age of the son.

9 In the light of the above, I, therefore, do not find that the impugned order could be termed as being perverse or erroneous, so as to cause grave injustice to the Petitioner. Post amendment, the Petitioner can surely file an additional Written Statement to oppose the said request, inasmuch as the Trial Court would be deciding the claim in accordance with law and in the light of the evidence on record.

10 The matter between the parties pertains to a family discord.

Since RCS No.376/2012 (Old SCS No.41/2006) is pending for a long time, ends of justice would be met by directing the Trial Court to decide the said suit as expeditiously as possible and preferably on or before 31st March, 2016.

11 With the above observations and direction, this Writ Petition is disposed of.

(RAVINDRA V. GHUGE, J.)