

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

WRIT PETITION NO. 1982 OF 2015

Kailash s/o Dagadu Rozodkar

Age 40 years, occup. Service,

R/o Chinawal, Tq. Raver

Dist. Jalgaon

.. Petitioner

versus

Priya w/o Kailas Rozodkar, alias

Priya Bhaskar Dambare,

age 31 years, occup. service,

r/o c/o Bhaskar Chindhu Dambare,

Plot No. 12, Moreshwar Nagar,

Ganganagar, Yawal, Tq. Yawal,

Dist. Jalgaon

.. Respondent

Mr. Sandesh R. Patil, Advocate for petitioner

Mr. Swapnil S. Patil, Advocate for respondent

CORAM : SUNIL P. DESHMUKH, J.

DATE : 26TH APRIL, 2016

ORAL JUDGMENT:

1. Rule. Rule made returnable forthwith. Heard the parties finally, by consent.

2. After the petition is filed by present petitioner bearing Hindu Marriage Petition No. 125 of 2014 for divorce on the ground of cruelty, some events have occurred as have been referred to in the application Exhibit - 25 filed by present petitioner seeking amendment of said divorce petition. Said application is rejected under impugned order dated 15-12-2014 by learned Civil Judge, Senior Division, Bhusawal.

3. After hearing learned counsel for parties, the position emerges that as far as occurrence of events is concerned, there does not appear to be any serious dispute over the same. It is also not in dispute that application Exhibit-25 had been moved well before the stage of evidence had reached in the matter. While seeking amendments pursuant to occurrence of events, certain comments/ allegations/averments have been made in the corresponding amendments sought with reference to the events.

4. Learned Civil Judge, Senior Division, Bhusawal, while deciding Exhibit-25 under impugned order, appears to have considered that there is no finding of any court of law that the complaints / allegations are false and that the amendments would change entire foundation of petition on which relief is claimed, however, generally the courts are supposed to be liberal

while it comes to grant of amendments sought. In present petition in order to support final relief being claimed in the proceedings, its correctness or otherwise would not be a test while considering application for amendments.

5. In the circumstances, application deserves to be allowed. Application under Exhibit - 25 stands allowed. Impugned order is set aside.

6. In view of aforesaid, an amount of Rs.10,000/- directed to be deposited under the orders of this court would be refunded to the present petitioner, if it is not already withdrawn by either of the parties. In case, it has been so withdrawn, no dispute over the same be raised hereafter.

7. Writ petition is allowed. Rule made absolute accordingly.

SUNIL P. DESHMUKH,
JUDGE

pnd