

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

41 WRIT PETITION NO. 7782 OF 2016

KASHINATH YASHWANT JADHAV
VERSUS
VIMAL KASHINATH JADHAV

Shri. Shrikishan S. Shinde, Advocate, for petitioner.

Shri. N.B. Narwade, Advocate, for respondent.

CORAM: T.V. NALAWADE, J.

DATE : 5 DECEMBER 2016

ORDER:

1) The petition is filed to challenge the order made by the learned Judge of the Family Court Aurangabad on Exhibit 145 of Petition No.A-371/2011. Both the sides are heard.

2) The Hindu Marriage Petition is filed for dissolution of marriage on the ground of cruelty and also adultery. The proceeding was filed on 10-11-2011. No specific incident of adultery noticed was mentioned by the petitioner though the petitioner contended that the respondent had admitted about adultery and he heard

some conversation of the respondent with one person. It appears that the petitioner gave evidence of one Yuvraj and in the affidavit filed as examination in chief there is statement that on the first Friday of June 2011 he had visited the house and he had seen one man coming out of the house and then he had informed this incident to his paternal aunt. It is contended by the petitioner that at one place of the evidence on affidavit of witness Yuvraj instead of June 2011 it is wrongly mentioned as May 2011. Petitioner husband wants to amend this evidence given in examination in chief and wants to make it as June 2011. It can be said that there was no specific pleading with regard to the aforesaid specific incident but such evidence was given and now the petitioner wants to amend in that evidence. In view of this, this Court holds that it is not possible to allow such amendment in the evidence. The petition stands dismissed.

Sd/-
(T.V. NALAWADE, J.)

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