

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION**

**WRIT PETITION NO. 13752 OF 2016**

Mr. Sandip Balasaheb Patil

..Petitioner.

Vs

Mrs. Yogita Sandeep Patil

.. Respondent

Mr. Pramod G. Kathane, Advocate for Petitioner.

**CORAM : R.G.KETKAR,J.**

**DATE : 13/12/2016**

**PC:**

1. Not on Board. At the request of Mr.Kathane, taken up for admission. Heard Mr. Pramod Kathane, learned counsel for the petitioner at length.

2. By this Petition under Article 227 of the Constitution of India, the petitioner has challenged the Judgment and order dated 25.8.2015 passed by the learned Jt. Civil Judge, Sr.Dn., Sangli, below Exhibit 63 in H.M.P. No. 85 of 2013. By that order, the learned trial Judge allowed the application made by the respondent-wife for amending the petition under Order VI, Rule 17 of C.P.C.

3. Respondent has instituted proceedings against the petitioner-husband under section 12(1)(c) of the Hindu Marriage Act, 1955 for dissolution of marriage. Pending the petition, she took out application for amendment. By the proposed amendment, the respondent intended to incorporate paragraph

to the effect that after abortion she was not fit to stay in any hospital and take care of the petitioner husband. Due to pressure of the parents of the petitioner herein, she stayed in the hospital against her will. Parents of the petitioner deliberately suppressed the severe disease from the respondent and her parents. Thus, they have committed fraud.

4. While allowing the application, the learned trial Judge has observed in paragraph 9 that the proposed amendment is for elaborating the pleadings of the respondent. It is not inconsistent with the original pleadings. The proposed amendment will not change the nature of the suit. The learned trial Judge held that the proposed amendment is necessary for deciding the controversy raised by the parties.

5. For the reasons recorded in paragraph 9 of the impugned order, I do not find that the learned trial judge has committed any error. Hence, Petition fails and the same is dismissed. It is, however, expressly made clear that where a decree is appealed from by the petitioner, any error, defect or irregularity in the impugned order, affecting the decision of the case, may be set forth as a ground of objection in the memorandum of appeal as contemplated by Section 105(1) of C.P.C.

(R.G.KETKAR, J.)