

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 12300 OF 2017

BALAJI MADHAVRAO GADHAWE
VERSUS
ANITA BALAJI GADHAWE

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Advocate for Petitioner : Shri Narwadkar Mrigesh D.

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CORAM : RAVINDRA V. GHUGE, J.
Dated: October 11, 2017
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PER COURT :-

1. The petitioner is aggrieved by the order dated 12.4.2017, by which, the trial Court has rejected application Exhibit 15, filed by the petitioner seeking leave to amend HMP No.64 of 2011.

2. Learned counsel for the petitioner / husband has strenuously contended that Exhibit 50 has been filed for seeking leave to amend the application so as to bring the fact of the acquittal of the petitioner from Crime No. 98 of 2011 in which, the offence punishable under Section 498-A of the IPC was a subject matter. He desires to bring on record the manner in which the respondent / wife acted cruelly with the petitioner and despite those false allegations he has been acquitted by the court having criminal jurisdiction.

3. He further submits that the impugned order is unsustainable, perverse and erroneous as the trial Court has rejected Exhibit 50 on the ground that the petitioner could have sought an amendment with promptitude after the judgment dated 28.4.2015 was delivered by the Court in his Section 498-A Case.

4. I have considered the submissions of the learned Advocate and have gone through the petition paper book.

5. It is obvious that the petitioner desires to bring on record the circumstances, in which, the allegations made by the wife have been disputed and he has been acquitted in RCC No. 21 of 2012 with regard to the Crime No.98 of 2011, registered by the wife with the Mukramabad Police Station.

6. In my view, the factors and circumstances that have led to the acquittal of the petitioner are not required to be pleaded. A certified copy of the judgment in RCC No. 21 of 2012 can be placed on record before the trial Court and the petitioner can rely upon the said judgment in support of his contention.

7. Considering the above, this petition need not be kept pending and stands disposed off. Needless to state, the petitioner may place on record a certified copy of the judgment dated 28.4.2015 in RCC No.21 of 2012 and rely upon the same in support his case.

(RAVINDRA V. GHUGE, J.)

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