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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CM(M) 1174/2017

RAJ KUMAR MITTAL

..... Petitioner

Through: Mr. Apurb Lal, Mr. Ashesh Lal and
Ms. Meenu Pandey, Advocates

versus

RENU MITTAL

..... Respondent

Through:

CORAM:

HON'BLE MR. JUSTICE J.R. MIDHA

ORDER

% **25.10.2017**

C.M. Appl. 38085/2017

1. Allowed, subject to just exceptions.

C.M. Appl. 38087/2017

2. The delay in re-filing is condoned.
3. Application is disposed of.

C.M.(M) 1174/2017 & C.M. Appl. 38086/2017

4. The petitioner has challenged the order dated 28th April, 2017 whereby the learned Family Court dismissed the petitioner's application for seeking amendment of the written statement.
5. The respondent has instituted a petition for dissolution of marriage against the petitioner on the ground of cruelty which is pending before the learned Family Court. The petitioner filed an application seeking amendment of the written statement to incorporate the averments that the respondent developed extra marital relations with other persons and then started indulging the daughter into bad company and the MMS of the

daughter was found on a porn site whereupon the respondent filed a complaint with the police.

6. Learned Family Court observed that the proposed amendment has no bearing on the matter in issue except the mud slugging and dragging the younger daughter into litigation because she is staying with the mother. The Family Court dismissed the application with cost of Rs.25,000/-.

7. The petitioner has placed on record the copy of the petition for dissolution of marriage as Annexure P-2 and the respondent's written statement (reply) as Annexure P-3. In the written statement, the respondent has vaguely denied the averments made by the respondent in the petition. The averments made in para 11 and 13 of the application are vague and no justification has been given as to why the same were not incorporated in the written statement filed earlier. The averments made in para 12 of the application are just character assassination of the petitioner's daughter and the same is not necessary for the purpose of determining the real question in controversy between the parties i.e. whether the petitioner treated the respondent with cruelty.

8. There is no merit in this petition which is hereby dismissed.

9. C.M. Appl. 38086/2017 is also dismissed.

J.R. MIDHA, J.

OCTOBER 25, 2017

rsk