

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

WRIT PETITION NO. 3010 OF 2018

Sunil Dashrath Suryarao

.. Petitioner

Vs.

Anupama Sunil Suryarao

.. Respondent

...

Mr. Kashyap Bhalerao for the Petitioner.

None for the Respondent.

...

CORAM : (SMT. BHARATI H. DANGRE, J.)

DATE : MARCH 8, 2018

P.C. :

1. The Petitioner-husband, who has filed proceedings before the Civil Judge Senior Division at Kalyan seeking annulment of his marriage, approaches this Court being aggrieved by the order dated 27th February 2018, thereby allowing the application for amendment filed by the wife seeking to amend the written statement filed by her and to permit her to raise the counter claim for restitution of conjugal rights.

2. The grievance raised by the Counsel for the Petitioner is that the proceedings filed by the husband seeking a divorce are at the final stage and the evidence is also over. He is objecting to the

change of the nature of litigation at the fag end and would vehemently argue that it is not permissible to apply the provisions of Court procedure relating to the amendment.

3. It is no doubt true that the proceedings filed by the husband are at the fag end but the Civil Judge, Senior Division in paragraph 6 of the impugned order has categorically given the reasons and since, it deals with the important phase of life of both the Petitioner and the Respondent, he has justified the interference at this stage. There is no perversity in the order passed by the Civil Judge, Senior Division and it is probable view, which cannot be clamped as arbitrary. The only anxiety expressed by the Petitioner is that the divorce proceedings have been filed in the year 2012, and is pending almost for a period of six years. Thus, the apprehension as expressed is that it would further prolong the proceedings.

4. The said apprehension expressed by the learned Counsel for the Petitioner cannot be said to be completely unjustified. It can be seen that the proceedings are pending since 2012. In such circumstances, the interest of justice would be served if the Court below is directed to expedite the proceedings by permitting the counter claim as prayed by the wife by allowing her to amend the

written statement and raise the counter claim, but the proceedings would be conducted expeditiously and in any case not later than six months.

5. The Writ Petition is therefore, disposed off being without any substance. The order passed by the Civil Judge Senior Division is upheld. Civil Judge Senior Division is, however, directed to expedite the proceedings and complete the same in any case within a period of six months from the date of the receipt of the order.

(SMT. BHARATI H. DANGRE, J.)