

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

Writ Petition NO. 13738 OF 2017

Mr. Shamrao Dharma Mane

...Petitioner

Versus

Mrs. Bharati Shamrao Mane

...Respondent

Mr.S.M.Raibagkar, for the Petitioner.

CORAM : G.S.KULKARNI, J.***DATE : 8 February 2018*****P.C. :**

1. Heard learned Counsel for the petitioner. Challenge in this petition is to the order passed by the learned Joint Civil Judge, Senior Division, Kolhapur by which the petitioner's application for amendment of the petition, stands rejected.

2. Perused the amendment application of the petitioner as also the reply filed on behalf of the respondent. Admittedly, the amendment application was moved after the evidence was over and the matter was kept for final argument. However, it is not in dispute that in the petition, the petitioner had already contended that since 9 March 2012 the respondent is permanently separated from the petitioner and the same contention was urged by the amendment application.

Sufficient opportunity was available to the petitioner to make out such case on the basis of desertion.

3. Considering the nature of the amendment application and the averments made therein, I find no infirmity in the order passed by the learned trial Judge. The application of the petitioner is rightly rejected. The impugned order does not call for any interference. The writ petition is accordingly, rejected, however keeping open all the contentions of the parties on merits of the matter.

(G.S.KULKARNI, J.)