

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

919 CIVIL APPLICATION NO.1233 OF 2019
IN SA/663/2016
WITH
CA/1234/2019 IN SA/664/2016

Sudarshan s/o Baburao Khande,
Age 40 years, Occupation : At present Nil,
Dr. Babasaheb Ambedkar Vidyalyaya,
Gautam Nagar, Parbhani. ...Appellant.

VERSUS

Sau. Indumati w/o Sudarshan Khande,
Age 37 years, Occupation Household,
R/o Jalalpur Tq. And Dist. Parbhani. ...Respondent.

...

Advocate for Applicant : Mr. Usmanpurkar Aniruddha S.
Advocate for Respondent : Mr. V. P. Kadam

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CORAM : SMT.VIBHA KANKANWADI, J.
DATE : 22-01-2019.

ORAL ORDER :

1. Present applications have been filed for amending the written statement by the original defendant – present applicant.
2. The present respondent had filed suit for maintenance bearing Regular Civil Suit No. 149 of 2009, before 6th Jt. Civil Judge, Junior

Division, Parbhani. It was partly allowed. Thereafter, the present applicant preferred Regular Civil Appeal No.61 of 2013 for cancellation of the said order and original plaintiff – present respondent preferred Regular Civil Appeal No. 54 of 2013 for enhancement of the maintenance. Appeal preferred by present applicant – original defendant came to be dismissed and appeal of original plaintiff – present respondent came to be partly allowed by learned District Judge -2, Parbhani on 12-10-2015. Hence, the second appeals have been filed.

3. Second appeals are pending for admission, however it is stated that, there are subsequent events after filing the second appeals. It is stated that, the present applicant – original defendant has been convicted by Special Judge in Special Case (ACB) No.02 of 2014 dated 19-10-2016. It is stated that, due to the said conviction he is now jobless and not getting salary and other benefits, and therefore, this subsequent events he wants to bring on record by way of amendment in the written statement.

4. Leave is granted to add para No.11-D to the applicant to incorporate the fact of presentation of appeal by him before this Court.

5. Heard both sides. The learned advocate for the respondent in the application has raised objection stating that, though the appellant is maintaining his second wife and son from the second wife, he is neglecting the respondent.

6. The fact which the applicant intends to bring on record is regarding the subsequent event. How far it may affect or it may not affect on the second appeal is a different question which can be considered at the relevant time. However, in order to bring the said subsequent event on record, there is no hurdle to allow the present applicant – original defendant to carry out the amendment in the written statement. Hence, applications are allowed. Both the applications are hereby allowed in terms of prayer Clause 'B'. The amendment to be carried out within 15 days from the date of this order. Place both the appeals for consideration on 22-02-2019.

(SMT. VIBHA KANKANWADI)
JUDGE

vjg/-.