

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

CRIMINAL WRIT PETITION NO.512 OF 2020

(Prashant Abhiman Tembhurne and others Vs. Sau. Supriya Prashant Tembhurne)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.*

Court's or Judge's orders.

Mr. N.S. Warulkar, Advocate for Petitioners.
None for Respondent.

CORAM: ROHIT B. DEO, J.

DATE: 12th JANUARY, 2021.

The petitioners are aggrieved by the judgment dated 19.08.2020 rendered by the Additional Sessions Judge, Bhandara in Criminal Appeal 22/2020 whereby the order dated 24.02.2020 of permitting the respondent to amend her application under section 12 of the Protection of Women from Domestic Violence Act, 2005 (D.V. Act for short) is allowed, rendered by the Judicial Magistrate First Class, Lakhni, is confirmed.

2. The learned counsel for the petitioner Mr. Warulkar would submit that the application seeking amendment is belatedly moved. It is true that the application is moved after commencement of the argument. However, considering the intent and purpose of the D.V. Act, it would be appropriate if multiplicity of litigation is avoided and the aggrieved person is granted the opportunity to put on record her pleadings and seek additional relief, particularly since the petitioners – who are

the respondents in the D.V. proceedings shall not be put to any prejudice.

3. Mr. Warulkar would then submit that prayer clause 9 of the application is proposed to be deleted. An averment is made in prayer clause 9 that the respondent – wife has two children. This is an averment which is false to the knowledge of the respondent – wife, is the submission. Mr. Warulkar would submit that the wife ought not to be permitted to delete prayer clause 9. It is difficult to agree. The Court cannot stop a litigant from giving up a prayer. In any event, if there is some falsehood, intended or otherwise, it is always open for the petitioners to canvass appropriate submissions, which shall be looked into on merits, by the trial court.

4. Mr. Warulkar then submits that the respondent is also seeking return of *streedhan* and enhanced maintenance. Again, I do not see any prejudice. It is open for the petitioners to amend their pleadings if so advised. Needless to say, it is further open to the parties to adduce additional evidence, if desired, in the context of the amended pleadings and/or additional relief sought.

5. Subject to what is observed *supra*, no interference is necessary in the permission to amend the pleadings.

6. The petition is disposed of.

JUDGE