

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.50 of 2018

Rajesh Bihari Shrivastava @ Bablu Son of Late Kedar Nath Prasad, Resident of Village- Simhauta, P.S.- Koppa, District- Saran at Chapra, Presently residing at Mission Compound Dahiyawa Chapra, P.S.- Chapra Town, District- Saran at Chapra.

... .. Petitioner/s

Versus

Mili Shrivastava @ Dilan Wife of Rajesh Bihari Shrivastava, Daughter of Madhusudan Shrivastava, Resident of Mohalla- Mohan Nagar, P.S.- Chapra Town, District Saran and Chapra.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Prashant Sinha,
		Mr. Ram Binod Singh, Advocates.
For the Respondent/s	:	Mr. Vijay Kumar Sinha, Adv.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 29-08-2022 Heard Mr. Prashant Sinha, learned counsel for the petitioner and Mr. Vijay Kumar Sinha, learned counsel for the respondent.

2. Petitioner is an applicant before learned Family Court in a Divorce Suit filed by him under Section 13 of the Hindu Marriage Act on the ground of cruelty.

3. The respondent herein is the wife of the petitioner. The divorce suit was filed in the year 2013 and after three years an amendment petition has been filed by the petitioner in the suit on 06.06.2016 which has partly been allowed by the learned Family Court and partly has been rejected on the ground that the amendment sought by the petitioner/applicant shall change the



ground of divorce.

4. Learned counsel for the petitioner, referring to Annexure-3 which is a petition for amendment filed before the Family Court, submits that from perusal of the amendment sought by the petitioner, it would be evident that the same is clarificatory/explanatory in nature and if the amendment is allowed, the ground on which the petitioner has filed the divorce will not change inasmuch as the divorce suit was filed on the ground of cruelty and the petitioner by way of amendment has only explained the cruelty meted out to him by respondent. He next submits that the proposed amendment no.3 is completely a typographical error inasmuch the word 'medically' has been typed instead of 'mentally'. He also submits that at the time of filing petition the issues between the parties were not framed.

5. On the other hand, learned counsel for the respondent submits that the amendment petition has been filed at belated stage.

6. I have heard learned counsel for the parties. From perusal of the proposed amendment, it appears that petitioner has sought amendment on the basis of typographical error and has only explained the act of the respondent when he had visited the house of the sole respondent. From perusal of the



amendment petition, it appears that the same is clarificatory and explanatory in nature and does not change the ground on which the divorce suit was filed. It is admitted position that the amendment petition was filed by the petitioner before framing of the issues.

7. Accordingly, order dated 07.12.2017 passed by learned Principal Judge, Family Court, Saran at Chapra is set aside to the extent proposed amendment nos. 2 and 3 were rejected. Accordingly, proposed amendment no. 2 & 3 are allowed with cost of Rs. 1000/- (One thousand).

8. The present petition stands allowed.

(Anil Kumar Sinha, J)

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