

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

WRIT PETITION NO.717 OF 2022

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Vikramsinh Nalawade

..Petitioner

Versus

Vikramsinh Manoharrao Nalawade

..Respondent

Mr. Ashok M. Misal, for the Petitioner.

CORAM : NITIN W. SAMBRE, J.

DATE : 24th JANUARY, 2022

PC.

1. In matrimonial proceedings being Marriage Petition No.39 of 2014, application Exh.84 for amendment came to be allowed vide impugned order passed below Exh.84 on 5th December, 2019.

2. The submissions are, (a) the amendment changes the nature of claim; (b) proceedings are at advanced stage as the recording of evidence is concluded; and (c) as a consequences of amendment, the additional issues are framed.

3. I have appreciated the aforesaid contentions of Mr. Ashok Misal, learned counsel for the petitioner.

4. Considering the nature of proceedings *inter-se* between

the parties i.e. matrimonial proceedings, the amendment granted, in my opinion, does not change the nature of claim rather the amendment was in the interest of the parties so as to avoid multiplicity of the proceedings.

5. Apart from above, the nature of amendment is in relation to change of the provisions which are mentioned in the claim viz. under Section 13(ia)(iii) of the Hindu Marriage Act to that of Section 13(1)(ia)(ib)(iii) of the Hindu Marriage Act and certain minor amendments.

6. Apart from above, it is required to be noted that the consequences of the carrying out amendment is framing of the additional issue and the law on the said point is well settled that the Court can modify or delete the issue at any stage of the suit.

7. That being so, no case for interference is made out.

8. As such, petition stands dismissed.

[NITIN W. SAMBRE, J.]