

3. By the proposed amendment, the Petitioner sought to plead that the Petitioner's grandparents were born in Parra and Aldona and his grandfather shifted to Mumbai where the Petitioner's father was born. Thereafter, it is sought to be pleaded that he worked in Baghdad and left Iraq in 1986 and returned to India and got married to the Respondent. It is also sought to be pleaded that he was sending money to the Respondent which was wasted and splurged by the Respondent and she also kept an illicit relationship with one Rama Mardolkar.

4. After going through the amendment Application, the Trial Court was of the opinion that the proceedings were for annulment of the marriage on the ground that the marriage between the Petitioner and Respondent was caused by a mistake as the Respondent was already married and that marriage was subsisting on the date she got married to the Petitioner. The Trial Court, therefore, held that the proposed amendment had no relevance to the grounds stated and was not at all required or necessary to decide the issue involved in the Marriage Petition. The Trial Court held that the Petitioner is only required to prove that his marriage with the Respondent was solemnized during the subsistence of her first marriage in order to succeed in the Petition. This being the case, the Trial Court dismissed the amendment Application as it

was of the opinion that it would only enlarge the scope of the suit and waste the time of the Court.

5. Having gone through the impugned order and after hearing the learned Counsel appearing on behalf of the Petitioner, I find that there is nothing wrong with the impugned order passed by the Trial Court. I have also gone through the amendment Application filed by the Petitioner. After carefully going through the amendment Application, I am of the opinion that the amendments sought are wholly irrelevant for deciding the Marriage Petition. As correctly observed by the learned Trial Court, that in order to get the relief that the Petitioner seeks, he has to show that on the date on which the Respondent got married to the Petitioner, she was already married to another person and which marriage was subsisting. It is important to note that this is the very case with which the Petitioner has approached the Trial Court seeking annulment of the marriage. Once this is the case then all the averments that are sought to be brought on record by virtue of the amendment Application are wholly irrelevant.

6. In these circumstances, I find no merit in the above Writ Petition. It is accordingly dismissed. However, there shall be no order as to costs.

7. This order will be digitally signed by the Private Secretary/
Personal Assistant of this Court. All concerned will act on
production by fax or email of a digitally signed copy of this order.

B.P. COLABAWALLA, J.

VAIGANKAR
ESHA SAINATH

Digitally signed by VAIGANKAR
ESHA SAINATH
Date: 2023.03.02 17:45:58 +05'30'