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

WRIT PETITION NO.2459 OF 2020

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Kailas Anna Atole

... Petitioner

V/s.

Jayashree Kailas Atole

... Respondent

Mr. Yogesh Patil for the petitioner.

Mr. Sushant S. Prabhune for the respondent (through
V.C.)

CORAM : AMIT BORKAR, J.

DATED : NOVEMBER 6, 2023

P.C.:

- 1.** The defendant is challenging order dated 7 January 2020 passed by the Trial Court allowing application for amendment of the plaint.
- 2.** The respondent/wife filed Regular Civil Suit No.435 of 2012 seeking maintenance under Section 25 of the Hindu Marriage Act, 1955. After completion of arguments, she filed an application under Order 6 Rule 17 of the Code of Civil Procedure, 1908 for carrying out amendment in the cause-title of the plaint contending that the suit for maintenance under Section 16 of the Hindu Adoption and Maintenance Act, 1956.
- 3.** The Trial Court allowed the application holding that such an amendment would not constitute amendment of pleadings.

4. Considering the reasoning assigned by the Trial Court, in my opinion, there is no error of jurisdiction committed by the Trial Court by allowing application for amendment.
5. However, it is clarified that the amendment carried out by the plaintiff shall not form part of the pleadings of the parties.
6. The writ petition stands disposed of in above terms. No costs.

(AMIT BORKAR, J.)