

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

WRIT PETITION NO. 4562 OF 2023

Sau. Roshana Abhay Tawani ..VS.. Abhay Jayprakash Tawani

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

Court's or Judge's orders

Shri A.P. Thakare, Advocate for petitioner.

CORAM : AVINASH G. GHAROTE, J.
DATED : 03rd August, 2023

Heard Mr. A.P. Thakare, learned counsel for the petitioner.

2. The petition challenges the order dated 09.06.2023, by which Exh. 21, an application for permission to amend the written statement for laying a counter-claim has been rejected. The petition is filed by the respondent under Section 12 of the Hindu Marriage Act for declaring the marriage as nullity. The counter-claim, which is sought to be raised, is for partition and separate possession by claiming a share in the coparcenary/ancestral property, in which the respondent is claimed to have a share. Admittedly, the share of the respondent in such ancestral property has not been delineated, considering which, it would be permissible to the petitioner to file a separate suit for any such claim. I, therefore, do not see any reason to interfere in the impugned order. The writ petition is dismissed. No order as to costs.

JUDGE