



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT NAGPUR, NAGPUR.

...

CRIMINAL APPLICATION (APL) NO.1202/2023

Gopalkrishna Digambarrao Dhoran

..APPLICANT

v e r s u s

Mrs.Sweety w/o Gopalkrishna Dhoran

..RESPONDENT

.....
Mr Kamal Anandani, Advocate for the applicant
.....

CORAM: ANIL L. PANSARE, J.
RESERVED ON : 25.08. 2023
PRONOUNCED ON : 29.08.2023

PC:

This is an application under section 482 of the Code of Criminal Procedure (in short, “the Code”) read with Article 227 of the Constitution of India.

2. The applicant-husband is aggrieved by the order dated 5th July 2023 passed below Exh.56 by the learned Family Court, Akola, allowing amendment in the application filed by the non-applicant/wife before the Family Court, under Section 125 of the Code.

3. Heard Mr. K. Anandani, the learned counsel for the applicant. It appears that two proceedings are pending before the Family Court. One is the application u/s 125 of the Code, bearing Petition No.69/2020 filed by the non-applicant/wife against the applicant-husband. The second proceeding is for seeking divorce being A.P. No. 41/2022 filed by the husband against the wife.

4. The learned Judge of the Family Court, Akola has taken into account the reply filed by the wife in the divorce proceeding in AP No.41/2020. The Court noted that the amendment as sought by the wife in the maintenance Petition No.69/2020 have already been incorporated by her in reply filed by her in the divorce proceedings. Accordingly, it is opined that the proposed amendment having been incorporated by the wife in divorce proceeding, no prejudice will be caused to the husband if the application is allowed, particularly when the trial has not commenced.

5. To my mind, this finding is in consonance with the settled principles of law. The amendment has been allowed considering the reply filed in a parallel proceeding. The trial has not yet commenced. The amendment, therefore, has been sought and allowed at the appropriate stage of the proceeding. The husband is at liberty to counter these amendments by incorporating consequential amendment in his pleadings.

6. I do not find any perversity whatsoever or the abuse of process of law to invoke the jurisdiction u/s. 482 of the Code. The Application is rejected. Copy of order be served upon the concerned Family Court, Akola.

(ANIL L. PANSARE, J.)