

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

WRIT PETITION NO.5620 OF 2018

(SAU.VISHAKHA @ PRAPTI PRASHIL NAGPURE..VS.. PRASHIL SUDHAKARRAO NAGPURE & OTH.)

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

Court's or Judge's orders

Shri O.A.Ghare, Advocate for Petitioner.
Shri Ashish Chaware, Advocate for Respondent No.1.

CORAM : ANIL S. KILOR, J.
DATED : JUNE 12, 2023.

1. Leave to amend the prayer clause (a) to add order below Exh.65 dated 11th September 2015.
2. The amendment be carried out forthwith.
3. Heard.
4. The challenge in this writ petition is raised to rejection of the application Exh.65 filed by the petitioner under Order 6 Rule 17 of the Code of Civil Procedure for amendment to the complaint, vide order dated 11/09/2015 passed by 25th JMFC (Spl. Court PWDV Act), Nagpur in Misc. Civil Application No. 971 of 2013.
5. After going through the record, it appears that the complaint filed by the petitioner under Section 12 of the Protection of Women from Domestic Violence Act, 2005 runs into 20 pages, whereas, the application seeking amendment runs into more than 30 pages, which means

that the amendment is bigger than the original complaint. On realising this, the learned counsel for the petitioner undertakes that he will not press the paragraphs of the proposed amendment relating to the events which took place prior to filing of the complaint and will only press the amendment relating to the events which took place after filing of the complaint.

6. However, after going through the application for amendment, it is difficult to bifurcate the events which took place prior to the complaint and the events which are subsequent to filing of the complaint.

7. In these circumstances, I am of the opinion that without going into the merits of the matter, purpose will be served if an opportunity is granted to the petitioner to move an application for amendment afresh restricting the events which took place subsequent to filing of the complaint.

8. In case, such application is filed, the learned trial Court shall decide the same, in accordance with law, after hearing both the parties.

The writ petition is **disposed of** accordingly.
No order as to costs.