



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

WRIT PETITION NO. 7813 OF 2022

Sau. Anjali W/o Swapnil Ramtake,
Aged about 39 years, Occupation: Service,
resident of C/o Trimbak Gharde, Lal Bahadur
Shastri Ward, Bhandara, Tahsil & District
Bhandara

...Petitioner

// VERSUS //

Swapnil S/o Munnaji Ramtake,
Aged about 39 years, Occupation: Service
Resident of Plot No. 106 B, Jaripatka,
Near Bus Stand, Bezanbagh, Nagpur, Tahsil
and District Nagpur

... Respondent

Shri V.D.Muley, Advocate for the petitioner.
Shri K.Y.Mandpe, Advocate for the sole-respondent.

CORAM : ANIL S. KILOR, J.
DATED : 7th OCTOBER, 2023.

ORAL JUDGMENT :

Rule. Rule made returnable forthwith. Heard finally by consent of the parties.

2. In this writ petition, the challenge is raised to the order dated 16th November, 2022 passed by the learned Judge, Family Court, Bhandara, rejecting a prayer made by the wife to delete certain allegations made against her husband in the petition filed for restitution of conjugal rights. The said rejection was on the ground that it is a smart move on the part of the wife to delete the allegation so as to get the decree of

restitution of conjugal rights, which otherwise is difficult to get if the allegations are remained on record.

3. I do not find that the said reasons recorded by the learned Judge of Family Court, Bhandara, is just and proper.

4. If the petitioner wants to delete some portion of the petition relating to certain allegations against the husband, the rejection of such request considering the consequences of it on the petition and the possibility of change of result of the petition, cannot be accepted in the peculiar facts and circumstances of the present case.

5. In the circumstances, I am of the opinion that the present petition needs to be allowed. Accordingly, I pass the following order.

i. The writ petition is allowed;

ii. The order below Exhibit 41 dated 16th November, 2022 passed by the Judge, Family Court, Bhandara is hereby quashed and set aside and thereby application Exhibit 41 is allowed.

[ANIL S. KILOR, J.]