



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

CRIMINAL REVISION APPLICATION NO.35 OF 2024

Smt. Bhavna W/o Vaibhav Umade and another Vs. Shri Vabhav Wamanrao Umade

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

Court's or Judge's orders.

Shri P.P. Kotwal, Advocate h/f Shri P.U. Nandanwar, Advocate
for Applicants.

CORAM : M.W. CHANDWANI, J.

DATE : APRIL 12, 2024.

Heard.

2. The order dated 11.12.2023 passed by the learned Principal Judge, Family Court No.1, Nagpur in Petition No.E-201/2018 is under challenge in this petition.

3. In spite of service of notice the non-applicant chosen not to appear.

4. By the impugned order, the Family Court, Nagpur, rejected the application of the applicants for amendment in the main petition to incorporate the fact that applicant no.2 is suffering from a psychological disorder, and therefore the non-applicant is required to pay Rs.20,000/- for his medical treatment. The application was rejected on the ground that the applicant no.2 was suffering from the said disease from birth, but it was not incorporated in the main petition at the time of filing the petition.

5. The learned counsel for the applicants contends that this fact came to the knowledge of the applicant no.1 that the applicant no.2 was diagnosed with the said disease of psychological disorder in January 2023. Paragraph 4 of the application supports the arguments of the learned counsel for the applicants, wherein it has been mentioned that the applicant no.1 did not diagnose the disease of the applicant no.2 and when, during passage of time, his illness continued after taking financial help from her father, the applicant no.1 treated applicant no.2. But this aspect has not been considered by the Family Court.

6. In view of the above-said reason, the application of the applicants ought to have been allowed by the Family Court. No prejudice will be caused to the non-applicant, as the non-applicant will get an opportunity to reply to the contention of the application and even to cross-examine the applicants on these aspects.

7. In view of above, the impugned order 11.12.2023 passed by the learned Principal Judge, Family Court No.1, Nagpur in Petition No.E-201/2018 is set aside. The application of the applicants for amendment of the petition is allowed. Necessary amendment be carried out.

The application stands disposed of.

JUDGE

Wagh