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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.

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Date of decision: 13.05.2024

Vikas Dagar

...Petitioner.

Versus

Yogita

....Respondent.

CORAM: HON'BLE MRS. JUSTICE SUKHVINDER KAUR

Present: Mr. Rahish Pahwa, Advocate
for the petitioner.

Sukhvinder Kaur, J.

By way of present revision petition, the petitioner has challenged order dated 17.10.2023 (Annexure P3), passed by the Principal Judge, Family Court, Jhajjar, vide which application filed by petitioner under Order 6 Rule 17 CPC for amendment of petition under Sections 13(1)(ia) & (ib) of Hindu Marriage Act, 1955, was dismissed.

2. The brief facts relevant for adjudication of the present revision petition are that the petitioner filed petition seeking dissolution of marriage by passing a decree of divorce on grounds of cruelty and desertion under Hindu Marriage Act, 1955, which is pending before the Family Court at Jhajjar.

3. Upon notice, the respondent/ wife made appearance and filed written statement. Thereafter, issues were framed as per pleadings of the

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parties. Thereafter, during the continuation of proceedings in the aforesaid divorce petition, the petitioner filed an application for amendment of petition under Order 6 Rule 17 CPC. Reply to the said application was also filed by respondent/ wife. The said application has been dismissed by Family Court vide order dated 17.10.2023. Hence, the petitioner has knocked the doors of this Court by way of filing the present revision petition.

3. Learned counsel for the revision petitioner has contended that by way of amendment, the petitioner wants to incorporate certain facts occurred during pendency of the petition to avoid miscarriage of justice and to decide the petition effectively and judicially. He has contended that the Family Court has failed to appreciate that none of the proposed amendments is either inconsistent with the main case nor these would change the nature of the main case. The new pleas are in consonance with the pleas already taken and they further explain and clarify the stand already taken.

4. I have heard learned counsel for the petitioner and have gone through the relevant record.

5. By way of the proposed amendment, the petitioner intends to raise a plea that he has developed psychiatric illness and could not continue his service after December, 2019 and his mental illness has increased to 65% as assessed in April, 2023 in comparison to 55% as alleged in March, 2021. He also wants to raise a plea that on 07.02.2020, the respondent had revealed to him when he was standing in the Court room in a corner that son Harshit was not his son and this fact could be confirmed by way of DNA

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examination. He also wants to insert an additional plea that the respondent alongwith her associates manhandled the petitioner even after filing of the instant petition and even her counsel had been harassing him. The respondent also bullied one Ravish Kumar, a friend of the petitioner, who used to assist the petitioner while coming to the Court and after being harassed, he stopped accompanying and assisting the petitioner on the dates of hearing in the Court, so the petitioner could not attend the hearing on the date fixed. The respondent also approached petitioner's friend Davender so as to influence him against the petitioner. The petitioner also wants to add by way of amendment that on 15.11.2022, the respondent visited his house at village Neola and abused his old ailing mother and the said conduct of respondent had been captured in the CCTV camera installed at the house of the petitioner.

6. It has been observed in the impugned order by the Family Court that after framing of issues on 23.09.2019, the petitioner availed numerous opportunities to lead his evidence but did not lead any evidence. Rather he kept on moving one application after the other and did not make any payment towards maintenance pendent-lite allowance to the respondent/ wife.

7. The proposed amendment does not appear to be necessary for adjudicating the case of the petitioner for seeking decree of divorce from the respondent on the ground of cruelty and desertion. Regarding conducting DNA test of his son Harshit, the petitioner has already filed an application on 25.08.2021 before the Family Court, which is pending adjudication. The

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other facts which he wants to bring on record by way of proposed amendment, can be brought on record while leading his evidence. The Family Court has rightly observed that if the proposed amendment is allowed by the Court at this stage then there will be a plethora of such applications on behalf of both the parties which will get the decision of the petition delayed. As once the marital discord has occurred between the parties, there would be large number of such complaints/ grievance to each of the party against the other side and there will be no end to it.

8. Thus, there is no illegality or infirmity in the impugned order and no interference therewith is called for while exercising the revisional jurisdiction. The present revision petition being bereft of any merits stands dismissed.

9. All pending applications, if any, also stand disposed of accordingly.

(SUKHVINDER KAUR)
JUDGE

13.05.2024.

komal

Whether speaking/ reasoned	:	Yes/ No
Whether Reportable	:	Yes/ No