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10-crwp-43-25

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

10 CRIMINAL WRIT PETITION NO. 43 OF 2025

ALLAUDDIN USMAN SHAIKH
VERSUS
SHABANA ALLAUDDIN SHAIKH AND OTHERS

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Advocate for the Petitioner : Mr. Avinash M. Reddy

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CORAM : Y. G. KHOBRAGADE, J.

DATE : 27.01.2025

PER COURT :

1. Leave to invoke Section 482 of the Cr.P.C. with Article 227 of the Constitution of India is granted. Necessary amendment be carried out forthwith.
2. Heard the learned counsel for the Petitioner at length.
3. By the present Petition, under Article 227 of the Constitution of India r/w Sec. 482 of Cr.P.C., the present Petitioner challenged the order dated 15.11.2024 passed by the Family Court, Latur, below Exhibit 33 in Petition E No. 184 of 2022, whereby the Respondents are permitted to carry out necessary amendment to the application under Section 125 of the Cr.P.C.

4. The Petitioner is the original Non-Applicant and the Respondents are original Applicants in Petition E No.184 of 2022. For the sake of brevity parties to the present petition would be referred in their original capacity.

5. Needless to say that, the Applicant/Wife with her minor children has filed a Petition E No.184 of 2022 under Section 125 of the Cr.PC. and prayed for maintenance. The Applicant / wife alleged that, on 09.06.2010, her marriage solemnized with the Non-Applicant No.1 as per customs and rites prevailing in their society. Out of matrimonial relations, she blessed with children i.e. Applicants No. 2 and 3. However, due to non-fulfillment of illegal demand of dowry, she was subjected cruelty at the hands of her husband Non Applicant No. 1 and she was driven out of her matrimonial house. Though some efforts were made for amicable settlement but it was not futile. Since then, she with her children residing with her parents at their mercy. The Non Applicant i.e. husband failed to provide any maintenance to her.

6. After service of notice, the Non Applicant filed his reply and denied claim of the original Applicants. Subsequently, the present Applicants filed an application and sought permission to amend the written statement. In order to counter the amended pleadings, the

Applicant / wife filed Exh. 33 an application for amendment to application under Section 125 of the Cr.PC., with aim and object to submit explanation. Therefore, considering nature of amendment, the learned Family Court passed the impugned order dated 15.11.2024 and permitted the Applicant/wife to amend the application. The proposed amendment does not appear that the Applicant/wife withdrawing any admission given by her at earlier. So also, the proposed amendment is nothing but it is purely explanation to the amendment which have been carried by the Non-Applicant husband. Therefore, I do not find any substance in the present Petition, hence, it is dismissed.

(Y. G. KHOBRAGADE, J.)

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