



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 4765 OF 2025

Vilas Dattatraya Anap

.. Petitioner

Versus

Aishwarya Vilas Anap

.. Respondent

Mr. S. S. Dixit, Advocate for the Petitioner.

CORAM : KISHORE C. SANT, J.

DATED : 16th APRIL, 2025.

P. C. :-

. Heard learned advocate for the petitioner.

2. The petitioner has challenged the order passed by the learned 2nd Joint Civil Judge Senior Division, Sangamner in H.M.P No. 476/2022. The learned Trial Judge has allowed the application seeking amendment by the respondent – wife. The learned advocate for the petitioner vehemently argued that, by way of amendment now the respondent – wife want to include fresh pleading which is explanatory in nature. The H.M.P is pending since 2022 and the application which filed is at belated stage on 07.01.2025. While filing the H.M.P there is no explanation as to why she could not made averment in the petition itself. The learned Trial Court failed to appreciate all above

submissions and allowed the application.

3. After hearing the learned advocate for the petitioner and going through the application and the order this Court finds that, the application is filed prior to commencement of trial. No fresh cause of action is reproduced. The amendment is purely explanatory in nature. It is not changing the nature of the relief or the petition.

4. The learned advocate for the petitioner argued that, the only reason assigned for filing the application at this stage is that, the respondent had changed the advocate.

5. It is seen that, some of the incidents stated are of the year 2022. This Court thus finds that, there is no serious prejudice caused to the petitioner. It is trite law that, the Court while allowing the application for amendment, the same should not be rejected unless there is fresh cause of action arise or it changes the nature of the suit.

6. For all these reasons this Court is not inclined to interfere with the order. Considering the above, there is no merit in the writ petition. The writ petition, therefore, stands dismissed. No order as to costs.

(KISHORE C. SANT, J.)

PS.B.