

VRJ

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.3460 OF 2025

VAIBHAV
RAMESH
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Komal Ajit Patil	... Petitioner
V/s.	
Ajit Balkrishna Patil	... Respondent

Mr. Vaibhav R. Gaikwad for the petitioner (through V.C.).

Mr. Kuldeep U. Nikam for the respondent.

CORAM : S. G. CHAPALGAONKAR, J.

DATED : NOVEMBER 14, 2025

P.C.:

1. Present writ petition takes exception to order dated 29th November 2024 passed below Exhibit 96 in Hindu Marriage Petition No. 176 of 2021 pending before learned Civil Judge, Senior Division, Karad, District Satara.
2. Respondent herein instituted a proceeding under Section 13(1)(ia)(ib) of Hindu Marriage Act, 1955, with a composite prayer—firstly, to pass a decree of restitution of conjugal rights against petitioner-husband, and in the alternative, to grant a decree of divorce.

3. The petitioner-wife contested claim by filing a written statement. The evidence was recorded by parties, and at the fag end of proceeding, respondent filed an application under Order VI Rule 17 of the Civil Procedure Code, 1908, seeking permission to delete the prayer seeking restitution of conjugal rights and to continue with prayer for divorce. Learned Civil Judge, Senior Division, Karad allowed the application. Hence, this petition.

4. Mr. Gaikwad, learned advocate appearing for petitioner, submits that the amendment sought by respondent was at the fag end of proceeding, which could not have been permitted in view of bar contemplated under proviso to Order VI Rule 17 of the Civil Procedure Code, 1908. He would further submit that permitting respondent to withdraw prayer for restitution of conjugal rights would cause serious prejudice to petitioner-wife and also change the nature of proceeding.

5. Mr. Nikam, learned advocate appearing for respondent, however, supports the impugned order.

6. Perusal of the impugned order depicts that learned Trial Court observed that by permitting amendment, there would be no change in the nature of proceeding. The respondent has already

pleaded relevant facts to constitute a case for grant of divorce on the grounds of cruelty as well as desertion. Now respondent wants to withdraw his prayer for decree of restitution of conjugal rights and go ahead with petition for divorce only. Apparently, no prejudice would be caused to the petitioner in light of amendment that has been permitted. It is not the case that respondent wants to bring on record a completely new case by withdrawing certain admissions. Although the application for amendment is made at a belated stage, such an amendment is necessary to avoid multiplicity of litigation.

7. In that view of the matter, discretion exercised by learned Trial Court cannot be said to be beyond its jurisdiction.

8. In that view of the matter, no case is made out to cause interference in writ jurisdiction. The writ petition stands rejected.

9. Pending interlocutory application(s), if any, stand disposed of.

(S. G. CHAPALGAONKAR, J.)