

VRJ

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

WRIT PETITION NO.11492 OF 2025

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Archana Sachin Iparkar

... Petitioner

V/s.

Sachin Ramdas Iparkar

... Respondent

Mr. Vaibhav R. Gaikwad for the petitioner.

Mr. Piyush Toshnival for the respondent (through V.C.).

CORAM : S. G. CHAPALGAONKAR, J.

DATED : NOVEMBER 11, 2025

P.C.:

1. Heard learned advocates appearing for respective parties.
2. Petitioner impugns order dated 14th August 2025 passed by Joint Civil Judge, *Senior Division*, Satara below Exhibit 184 in Regular Civil Suit No.120 of 2011, thereby declining to grant application seeking amendment in the plaint.
3. The petitioner is original plaintiff in Regular Civil Suit No.120 of 2011 pending before learned Civil Judge, *Senior Division*, Satara. The suit has been filed under Section 18(1) of Hindu Adoptions and Maintenance Act, 1956, seeking maintenance at the rate of Rs.19,000/- per month. Respondent husband refuted plaintiff's claim by filing written statement.
4. Learned Trial Court framed issues, and evidence of the

plaintiff is recorded. At this stage, plaintiff filed an application seeking amendment to incorporate a prayer for enhanced maintenance amount @ of Rs.28,000/- per month. Learned Trial Court declined to entertain application on the ground that it has been filed at belated stage, particularly after commencement of trial.

5. Mr. Gaikwad, learned advocate appearing for petitioner submits that petitioner undertakes that she will not seek to lead anymore evidence in pursuance to proposed amendment and immediately go ahead for final hearing of suit.

6. Mr. Toshnival, learned advocate appearing for respondent, vehemently opposes the prayer. According to him, learned Trial Court refused to entertain application by giving adequate reasons. Once the evidence of plaintiff is concluded, now there is no reason to entertain a belated application for amendment.

7. Having considered the submissions advanced, it can be observed that present proceeding is instituted for maintenance under Section 18 of Hindu Adoptions and Maintenance Act, 1956. Initially, the plaintiff had claimed maintenance for herself as well as son. Now son has attained majority. Further, during pendency of the petition, financial ability of respondent husband is changed. In this background, petitioner seeks to claim of enhanced maintenance amount by incorporating amendment. Apparently, there would be no change in nature of dispute. Further in view of undertaking given by petitioner that she would not lead anymore evidence, no prejudice would be caused to respondent.

8. Amendment would be necessary to finally adjudicate dispute between parties so also to avoid multiplicity of proceedings. In that view of the matter, writ petition deserves to be allowed.

9. Hence, following order:

- a) The writ petition is partly allowed.
- b) The impugned order dated 14th August 2025 passed by Joint Civil Judge, *Senior Division*, Satara below Exhibit 184 in Regular Civil Suit No.120 of 2011 is quashed and set aside.
- c) The application of petitioner filed below Exhibit 184 seeking amendment in plaint is allowed. Necessary amendment to be carried out within a period of 10 days from the date of this order.
- d) Petitioner shall not claim right to lead evidence in pursuance of the pleadings incorporated by way of amendment, and parties would argue matter finally on the basis of pleadings and evidence which is already led.

(S. G. CHAPALGAONKAR, J.)

Note:- This order is modified as per order dated 22nd December 2025. The corrections in paragraph Nos.2, 3, and 9(b) are shown in italicize.