

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CRIMINAL WRIT PETITION NO.232 OF 2025

Smt. Shraddha Varun Shinde,
 Age: 36 years, Occu: Service,
 R/o: C/o Madan Shamrao Jadhav,
 32/20, Tarabai Park, Near Hotel,
 Dhairyaprasad, Kolhapur.

..Petitioner

Versus

1. Varun Milind Shinde,
 Age: 38 years, Occu: Service,
 R/o.: 265, Narayan Peth,
 Mathura Apartment, Flat No.1.,
 Near Vijay Talkies, Pune-411030
 Currently residing at-
 1540, Spyglass Hill
 North East Apartment
 8B, Cedar Rapids,
 IA State 52402,
 United States of America.

2. Milind Nishikant Shinde,
 Age: 69, Occ.: Nil,
 R/o. As above.

3. Madura Milind Shinde,
 Age: 65, Occ.: Housewife,
 R/o. As above.

4. The State of Maharashtra.

..Respondent

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Mr. Abhijit Adagule a/w Ms. Ketaki Patil a/w Mr. Ketan Patil, Advocate for Petitioner.

Mr. Sanjay D. Rayrikar, AGP for Respondent-State.

Mr. Sandeep M. Phatak a/w Mr. Adhik Kadam, Advocate for Respondents.

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CORAM : S. G. CHAPALGAONKAR, J.

RESERVED ON : 03rd OCTOBER, 2025.

PRONOUNCED ON : 16th OCTOBER, 2025.

FINAL ORDER:-

1. The present Writ Petition takes exception to order dated 21.11.2024 passed by Judicial Magistrate First Class, Kolhapur below Exhibit-10 in PWDVA No.98/2023.
2. The petitioner married with respondent no.1 in the year 2015. However, due to matrimonial disputes, she has filed proceeding for divorce before Family Court and PWDVA No.98/2023 under Section 12, 18 and 21 of Protection of women from Domestic Violence Act, 2005 (for short 'D.V. Act') before Judicial Magistrate First Class at Kolhapur. During pendency of application, she filed application below Exhibit-10 seeking impleadment of sister of respondent no.1 as party/respondent and also sought amendment to incorporate enhanced claim for compensation of Rs.1,00,00,000/- as against original claim for Rs.50,00,000/-. The Judicial Magistrate First Class rejected said application vide order dated 21.11.2024. Hence, this Writ Petition.
3. Mr. Abhijit Adagule, learned Advocate appearing for petitioner submits that looking to nature of grievance raised in application, presence of proposed respondent/sister of husband was necessary. Similarly, impugned order nowhere deals with proposed amendment towards enhanced compensation amount. He would, therefore, urge to quash and set aside impugned order and allow application Exhibit-10.

4. Mr. Sandeep Phatak, learned Advocate appearing for respondent vehemently opposes application contending that sister of husband is not necessary party or no order can be passed against her under provisions of D.V. Act. The husband is residing in USA, petitioner is residing at Kolhapur, whereas sister is also residing at USA. They never resided in shared accommodation.

5. Having considered submissions advanced by learned Advocates appearing for respective parties, it can be observed that application below Exhibit-10 was moved by petitioner for proposed amendment as stipulated in Clauses 1(A), 1(B) and 1(C) of application. As per Clause 1(A) amendment to insert name of Aditi Pranjal Phalatane was sought, who resides in USA. Clause (B) speaks about visits of Aditi to residence of petitioner. Clause (C) seeks to insert amendment in compensation for claiming enhanced compensation from Rs.50,00,000/- to Rs.1,00,00,000/-.

6. The Family Court recorded that admittedly sister of respondent-husband never resided together with petitioner. As such, amendment to add her name cannot be allowed. No fault can be found in such observations looking to scheme of D.V. Act.

7. So far as amendment seeking enhanced compensation is concerned, Family Court has not dealt with same. Further there is no impediment in allowing such amendment, which does not change

nature of dispute or cause any prejudice to respondent. Hence, following order:

ORDER

- a. Writ Petition is partly allowed.
- b. The impugned order dated 21.11.2024 passed by Judicial Magistrate First Class, Kolhapur below Exhibit-10 in PWDVA No.98/2023 is quashed and set aside.
- c. The application below Exhibit-10 is partly allowed.
- d. The petitioner is permitted to amend PWDVA No.98/2023 in terms of Clause 1(C) in application Exhibit-10.
- e. Amendment to be carried within period of three weeks from date of this order.

(S. G. CHAPALGAONKAR)
JUDGE