



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 1054/2024

Vitthal Dhengle
...VERSUS...
Pooja Dhengle

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's orders

Court's or Judge's orders

Ms. M. Nagi, Advocate for the Petitioner(s)
Shri M.A. Randive, Advocate for the Respondent

CORAM :- M.S. JAWALKAR, J.
FEBRUARY 07, 2025

- (1) Heard learned Counsel for the respective parties.
- (2) The present Petition is filed by the Petitioner challenging the order dated 15/01/2024 passed below Exhibit 45 by the learned Judge, Family Court No. 3, Nagpur in Petition No. A/615/2021.
- (3) On perusal of the Application for proposed amendment, it appears that it is specifically the para wise reply to the written statement and specific pleadings. It is not permissible to amend the Petition only to reply to the contents in the written statement. The learned Judge, Family Court has rightly appreciated that "Perusal of Application of Petitioner shows that he intends to reply all the allegations made by Respondent in her written statement against him. The amendment cannot be allowed for such purposes. If amendment

is allowed for replying the allegations made in the written statement, then there will be no end to such applications and amendments by both the sides.”

(4) It is always open for the Petitioner to prove the contents in the written statement as false. However, the proposed amendment, as prayed for, cannot be allowed. So far as the contention of the Petitioner that the Respondent sold the suit property which is the subject matter of Special Civil Suit No. 537/2021 pending before the learned 8th Joint Civil Judge Senior Division, Nagpur is concerned, the subject matter is already sub-judice before the learned 8th Joint Civil Judge Senior Division, Nagpur. Whether the Respondent was having title to pass it over will be decided in the said Special Civil Suit. Even the proposed amendment in Paragraph No. 20 (xvii) is also not required. I do not see any illegality in the order passed by the learned Family Court.

(5) As such, the Writ Petition stands **dismissed**. The impugned order dated 15/01/2024 passed by the learned Judge, Family Court No. 3, Nagpur is hereby confirmed.

(M.S. JAWALKAR, J.)