

2025:PHHC:034208-DB



Date of Decision:10.03.2025

...Appellant

...Respondent

Present:- Mr. Ashit Malik, Advocate for the appellant.

Challenge in the present appeal is to Order dated 04.02.2025, passed by the learned Principal Judge, Family Court, Kaithal (for short ‘the Family Court’), whereby, while disposing of an application for amendment of divorce petition, filed by the respondent-husband, the amendment sought for was allowed.

2. The aforesaid amendment was sought for on the ground that the ultrasound report of the appellant-wife, conducted on 03.06.2019, came to the knowledge of respondent-husband on 03.06.2019, and, thus, the minor child was not the daughter of respondent-husband.

3. The amendment sought for as incorporated in Para No. 3 of the application, reads as under :-

“That in view of facts stated above petitioner/applicant wants to amend para no.4 of the petition by adding below the lines/para just after end of above said para “but the petitioner is not the real father of minor “Arsin”. As per ultra sound report of respondent dated 3.6.2019 which was conducted by “Sanjivani Nursing Home’ Salar Ganj Gate, Panipat on 3.6.2019, gestational age of pregnancy of respondent was 15.6 weeks but the total days of marriage was 99 days i.e. 14.1 weeks on 3.6.2019 and delivery of respondent was not premature.” and he also wants to amend para No.12 of petition by adding below lines/para just after end of para no.12 “After coming to know the facts of ultra sound report of respondent dated 3.6.2019 petitioner became mentally disturb and feeling cheating on the hands of respondent”.

As would appear from the order passed by the Family Court, the amendment sought for by respondent-husband was allowed.

4. Though learned counsel for the appellant-wife has sought to challenge the impugned order by terming the same to be unjust and illegal, yet we find that the amendment sought for is necessary for the adjudication of the divorce petition and the appellant-wife will have an opportunity to rebut the same. Thus, we do not find any illegality in the impugned order.

5. At this stage learned counsel for the appellant-wife points out that the respondent-husband had moved an application i.e. (Annexure A-2) for conducting D.N.A. test of minor “Arsin”, which has not been decided by the learned Family Court. It is further submitted that the decision of the said application is also just and proper for the adjudication of the divorce petition.

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6. Considering the said limited submission, we direct the Family Court to pass an appropriate order in the aforesaid application, if already not done, within a period of 06 weeks from the date of receipt/production of this order.

 With the aforesaid observations, the present application stands disposed of.

[SUDHIR SINGH]
JUDGE

[H.S. GREWAL]
JUDGE

10.03.2025
Janki

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No