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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **MAT.APP.(F.C.) 298/2024 and CM APPL. 52266/2024**

**HITESH**

.....Appellant

Through: **Mr. Naved Ahmed and Ms.  
Anam Siddiqui, Advs.**

versus

**MOHAN LAL**

.....Respondent

Through:

**CORAM:**

**HON'BLE MR. JUSTICE ANIL KSHETARPAL**

**HON'BLE MR. JUSTICE HARISH VAIDYANATHAN**

**SHANKAR**

**ORDER**

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**05.08.2025**

1. The present Appeal has been filed under Section 19 of the Family Court Act, 1984 assailing the correctness of the order dated 27.07.2024 passed by the Family Court, Rohini Court Complex, New Delhi in HMA No. 1029 of 2018 captioned “***Mohan Lal vs. Hitesh***”.
2. The Family Court has permitted the Respondent (Appellant's Husband) to amend his petition and add the adulterer as party Respondent.
3. Learned counsel representing the Appellant has made the following submissions:
  - i. The main petition before the Family Court was listed for final arguments and hence, the application was not maintainable;
  - ii. The application was filed after a period of 06 years from the date of filing of the petition; and



- iii. The amendment is not relevant for the decision of the petition before the Family Court.
4. This Court has considered the submissions of the parties. The Respondent herein, while filing the petition seeking dissolution of marriage by a Decree of Divorce has averred that the Appellant is indulging in adultery.
5. During the pendency of the petition before the Family Court, the Appellant lodged an F.I.R. on 22.08.2023 complaining that an obscene video of her with the adulterer is being circulated.
6. The Appellant admits lodging of the F.I.R. The Respondent on coming to know of these facts, filed an application on 18.01.2024, which was allowed.
7. As per Statement of Objects and Reasons of the Family Court Act, adherence to rigid rules of procedures and evidence should be eliminated by the Family Court while deciding such cases. Moreover, such amendment would help the Court in adjudicating the matter meticulously.
8. The case is pending before the Court of First Instance. This Court is of the opinion that even if the case was fixed for final arguments, still the application to amend the petition was maintainable.
9. In order to prove his case, the Respondent is required to incorporate relevant facts in his petition.
10. The application was filed after the Appellant lodged the F.I.R.
11. In such cases, if the permission to amend the plaint is declined, it would cause serious prejudice to the Respondent, besides resulting in failure of justice.
12. Keeping in view the aforesaid, as no ground has been made out



to interfere, the present Appeal is dismissed.

**ANIL KSHETARPAL, J.**

**HARISH VAIDYANATHAN SHANKAR, J.**  
**AUGUST 05, 2025/sg/sh**