CGHC010494242025 2026:CGHC:45182

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WP227 No. 1210 of 2025

1 - Dr. Sourabh Sahu S/o Shyam Lal Sahu Aged About 37 Years R/o Mig -66, Housing Board Colony, Hetkeshwar Ward Tehsil And District- Dhamtari (C.G.)

... Petitioner(s)

versus

1 - Dr. Ankita Sahu W/o Sourabh Sahu D/o Dinesh Kumar Sahu Aged About 30 Years R/o D- 4, Anupam Nagar, Behind T.T. Tower, P.S. Khamardih Tehsil And District- Raipur (C.G.)

... Respondent(s)

For Petitioner(s)	:	Mr. Rakesh Sahu, Advocate
For Respondent(s)	:	Mr. P.Acharya, Advocate

(Hon'ble Shri Justice Ravindra Kumar Agrawal)

Order on Board

26/10/2026

The present writ petition has been preferred under Article 227 of the Constitution of India assailing the order dated 17.10.2025 passed by the learned Principal Judge, Family Court, Raipur, in Case No. 745/2019, whereby the application filed by the petitioner under Order 6

Rule 17 of the Code of Civil Procedure, 1908 (for short, ‘the CPC’), seeking amendment of the pleadings, has been rejected.

2. Learned counsel appearing for the petitioner submits that the petitioner has initiated the proceedings before the learned Family Court, wherein he has sought a decree of divorce under Section 13(1)(ia) of the Hindu Marriage Act, 1955. The matrimonial proceedings were instituted in the year 2019. During the pendency thereof, the petitioner was acquitted of the offences punishable under Sections 498-A, 406 and 34 of the Indian Penal Code, 1860 (for short, ‘the IPC’), by judgment dated 12.09.2024 passed by the learned Judicial Magistrate First Class, Raipur, in Criminal Case No. 6186/2020. It is further submitted that the challenge to the judgment of acquittal, preferred by the State, was dismissed by the learned Special Judge (CBI), Raipur, vide judgment dated 24.06.2025, in Criminal Appeal No. 432 of 2024. Consequent thereto, the petitioner moved an application dated 14.07.2025 before the learned Family Court seeking amendment of the pleadings in the original application for divorce, so as to incorporate the subsequent development relating to his acquittal. The said application having been rejected by the impugned order, the petitioner has approached this Court.

3. Learned counsel for the petitioner submits that the proposed amendment is necessary for the proper and effective adjudication of the matrimonial dispute, as the subsequent acquittal of the petitioner constitutes a relevant circumstance which may be taken into consideration while deciding the petition for divorce. It is submitted that

the amendment does not alter the fundamental nature of the proceedings but merely seeks to bring subsequent events on record. It is, therefore, submitted that no prejudice would be caused to the respondent as she has the right to amend her written statement consequently therefore the proposed amendment may be allowed.

4. On the other hand, learned counsel appearing for the respondent opposes the submissions made by the counsel for the petitioner and submits that the proposed amendment is neither relevant nor necessary for adjudication of the matrimonial dispute. It is submitted that acquittal in a criminal case, by itself, does not constitute a ground for dissolution of marriage. It is further submitted that the judgment of acquittal is the subject matter of challenge in criminal revision proceedings initiated by the respondent and that the said proceedings are still pending consideration before this Court. He also contends that the amendment application was filed after a considerable lapse of time, the matrimonial proceedings having been instituted in 2019, whereas the amendment was sought only in 2025. The application is an attempt to prolong the proceedings and lacks bona fides. On these grounds, it is submitted that the learned Family Court was justified in rejecting the application and that the writ petition deserves to be dismissed.

5. I have heard learned counsel for the parties and perused the material available on record.

6. From perusal of the application for amendment (Annexure P/4), it reveals that the petitioner seeks to incorporate in the pleadings the subsequent development concerning his acquittal of the offences

punishable under Sections 498-A, 406 and 34 of the IPC. It is not in dispute that the petitioner was acquitted of the aforesaid offences by judgment dated 12.09.2024 passed by the learned Judicial Magistrate First Class, Raipur. The challenge preferred by the State against the said judgment was also dismissed by the learned Special Judge (CBI), Raipur, vide judgment dated 24.06.2025.

7. The application for amendment was filed on 14.07.2025 and the petitioner seeks to bring these subsequent events on record by way of amendment of the original pleadings. The relevance and evidentiary value of such developments, as well as the extent to which they may have a bearing upon the grounds pleaded for dissolution of marriage, are matters to be examined by the learned Family Court at the stage of final adjudication. At this stage, the question is confined to whether the proposed amendment ought to be permitted so that the controversy between the parties may be effectively adjudicated on the basis of the relevant pleadings and material.

8. In the present case, the proposed amendment relates to a subsequent judicial development arising during the pendency of the matrimonial proceedings. The petitioner does not seek, by way of the proposed amendment, to substitute the original cause of action but seeks to incorporate a subsequent event which, according to him, is relevant to the adjudication of the pending dispute. The mere fact that the matrimonial proceedings were instituted in 2019 and the amendment was sought in 2025 would not, by itself, constitute a

sufficient ground for rejecting the application, particularly when the amendment is founded upon subsequent judicial proceedings.

9. In view of the aforesaid facts and circumstances, this Court is of the considered opinion that the proposed amendment deserves to be permitted to facilitate the effective adjudication of the matrimonial dispute. The learned Family Court, in rejecting the application, failed to accord due consideration to the fact that the proposed amendment was founded upon subsequent judicial developments arising during the pendency of the proceedings.

10. Accordingly, the writ petition is allowed. The impugned order dated 17.10.2025 passed by the learned Principal Judge, Family Court, Raipur, in Case No. 745/2019, is hereby set aside. The application dated 14.07.2025 (Annexure P/4) filed by the petitioner under Order 6 Rule 17 of the CPC is allowed. The petitioner is permitted to carry out the amendment in the original pleadings before the learned Family Court in accordance with law. The respondent shall be at liberty to carry out consequential amendments to the written statement, if so advised, in accordance with law.

11. Interim relief granted earlier, stands vacated.

12. With the aforesaid observation, the writ petition stands allowed.

Sd/-
(Ravindra Kumar Agrawal)
Judge

SUGUNA DUBEY
Digitally signed by SUGUNA DUBEY
Date: 2026.10.29 11:24:30 +0530