S.S.Kilaje

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5540 OF 2026

Daniel Masih ...Petitioner
VERSUS
Anita Daniel Masih Nee Anita Chinnari And Anr ...Respondents

SONALI SATISH KILAJE Digitally signed by SONALI SATISH KILAJE Date: 2026.08.24 10:59:20 +0530

Ms. Ayesha A. Agbani i/b. Mr. Yogendra Giri, Advocate for Petitioner.
Ms. Prabha Badadare, Advocate for Respondents.

CORAM : SHIVKUMAR DIGE, J.
DATE : 20th AUGUST, 2026.

P.C. :

1. Heard learned counsel for the petitioner and learned counsel for the respondent.

2. Learned counsel for the petitioner, on instructions, seeks leave to withdraw this petition with liberty to file amendment application before the Family Court. Amendment be carried out in the written statement.

3. Learned counsel for the respondent strongly objected for filing the application to carry out amendment in the written statement as the matter is at evidence stage.

4. I have heard both the learned counsel. Perused impugned order. The learned Family Judge has directed the petitioner to delete the paragraphs mentioned in the affidavit of examination-in-chief which are

not part of pleadings in the written statement. As the petitioner wishes to file amendment application to carry out amendment in the written statement, the said application shall be decided on its own merit. In view of above, I pass following order.

ORDER

(i) The Petition is partly allowed.

(ii) The impugned order dated 13.03.2026 passed by the learned Family Court in Petition/A/1294/2019 below Exhibit-82 is quashed and set aside.

(iii) The petitioner shall withdraw his affidavit of examination-in-chief and shall file a fresh affidavit of examination-in-chief after his application for amendment in the written statement is decided.

(iv) The petitioner shall file application for amendment in the written statement within two weeks after receipt of this order. The learned Judge shall decide the said application on its own merit by giving opportunity to other side.

5. Writ Petition is disposed of.

(SHIVKUMAR DIGE, J.)