

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 12922 OF 2025

Janhavi A. Shahapurkar ...Petitioner
V/s.
Alok M. Shahapurkar ...Respondent.

.....
Mr. Sandeep R. Wahmare for the Petitioner.
Mr. Purushottam G. Chavan for the Respondent.
.....

CORAM : N.R. BORKAR, J.
DATE : 18.04.2026.

P.C. :

1. This petition takes exception to the order dated 21st July 2025 passed by the Principal Judge, Family Court, Pune below Exhibit-27 in Petition No. A-1107 of 2022, whereby the learned Family Court has rejected the application filed by the petitioner - wife seeking permission to amend the counterclaim filed by her in a petition filed by the respondent-husband for divorce.
2. I have heard learned counsel for the petitioner-wife, the learned counsel for the respondent-husband and perused the impugned order.
3. Learned Family Court has rejected the amendment application solely on the ground that, it came to be filed after framing of issues.

4. The Hon'ble Supreme Court in ***Mahila Ramkali Devi and Ors. vs. Nandram (Dead) through Legal Representatives and Ors.***¹, has observed:

"20. It is well settled that rules of procedure are intended to be a handmaid to the administration of justice. A party cannot be refused just relief merely because of some mistake, negligence, inadvertence or even infraction of rules of procedure. The Court always gives relief to amend the pleading of the party, unless it is satisfied that the party applying was acting mala fide or that by his blunder he had caused injury to his opponent which cannot be compensated for by an order of cost.

(emphasis supplied)

5. I have perused the amendment application. By the said application, the petitioner wants to incorporate prayer in respect of permanent alimony. The application does not appear to be made with *mala fide* intent. The learned Family Court was thus not justified in rejecting the amendment application. In that view of the matter, the following order is passed.

ORDER

- a. The Petition is allowed.
- b. The impugned order is set aside.
- c. The Family Court shall permit the petitioner-wife to carry out the amendment as sought.

6. The Petition is disposed of in the aforesaid terms.

[N.R.BORKAR, J.]

¹ (2015) 13 SCC 132