

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.16567 OF 2025

Rupali Devesh Gawand (Maiden name Rupali Baliram Padwal)	...Petitioner
<i>Versus</i>	
Devesh Chandrakank Gavand & Anr.	...Respondents

Mr. Ashwin R. Rana, for the Petitioner.
Mr. Abhishek Patil a/w. Mr. Sahil Wagh, for the Respondent No.1.
Mr. Hamid Mulla, AGP, for the Respondent No.2-State.

CORAM	MADHAV J. JAMDAR, J.
PRONOUNCED ON	9 th JANUARY 2026
UPLOADED ON	14 th JANUARY 2026

JUDGMENT:

1. Heard Mr. Rana, learned Counsel appearing for the Petitioner, Mr. Patil, learned Counsel appearing for the Respondent No.1 and Mr. Mulla, learned Counsel appearing for the Respondent No.2.

2. By the present Writ Petition filed under Article 227 of the Constitution of India, the challenge is to the legality and validity of the order dated 31st October 2025 passed by the learned Principal Judge, Court No.1, Family Court, Thane below Exhibit-43 in

Petition No.A-160 of 2020. The said application bearing Exhibit-43 has been filed seeking amendment in the Petition. By the amendment what is sought is change in the marriage date mentioned in the prayer clause and also change in the dates as mentioned in paragraph Nos.1 and 3 of the Petition.

3. It is the main contention of Mr. Rana, learned Counsel appearing for the Petitioner that in view of proviso to Order VI Rule 17, amendment application is not maintainable. He submits that due diligence is not shown and therefore, the Court has no jurisdiction to entertain the application. He relies on the decision of the learned Single Judge dated 9th June 2025 in the case of *Sandhya Shekhar Zanjare vs. Shekhar Suresh Zanjare*¹. He also relied on the following decisions of the Supreme Court:

i. *M. Revanna vs. Anjanamma (Dead) by LRS & Ors.*²

ii. *J. Samuel & Ors. vs. Gattu Mahesh & Ors.*³

4. On the other hand, Mr. Patil, learned Counsel appearing for the Respondent No.1 submits that only typographical mistake is

1 Writ Petition No.121 of 2024

2 Civil Appeal No.1669 of 2019@ SLP (Civil) No.19188 of 2010

3 [2012] 1 S.C.R. 295

sought to be corrected by the amendment application. It is contended by the present Petitioner that in fact, in the written statement correct dates are mentioned and the same is admitted position. He therefore, submits that there is no prejudice which is caused to the Respondent in the said Petition filed in the Family Court.

5. Before considering the rival contentions, it is necessary to set out admitted position. Admittedly, the marriage between the Petitioner and the Respondent No.1 took place on 28th June 2018 under the provisions of the Special Marriage Act, 1954 and the said marriage was registered before the Marriage Officer, Thane. Another marriage between the Petitioner and the Respondent No.1 i.e. between the same parties was performed again according to the Hindu Vedic Rites on 29th June 2018.

6. Perusal of the amendment application shows that it is candidly stated in the application that due to typographical mistake wrong date is mentioned in the Marriage Petition and it is necessary to correct the same. Perusal of the record further shows that detailed written statement has been filed in the Marriage

Petition. In written statement although in paragraph No.4, it is mentioned that on 28th June 2018, marriage took place under the Special Marriage Act, 1954 and again on 29th September 2018, the marriage took place between the same parties according to Hindu Vedik Rites, customs and ceremony in the presence of the family members. However, in paragraph No.6, the said date which is mentioned in paragraph No.4 as 29th September 2018 is mentioned as 29th June 2018 and the said date of 28th June 2018 is mentioned as 28th June 2019. Thus, although Mr. Rana, learned Counsel appearing for the Petitioner repeatedly raised the contention that typographical mistakes if repeated at several places the same be not allowed to be corrected. Perusal of the written statement shows that the Petitioner has also committed several typographical mistakes. In fact, the said mistake is also committed in the synopsis filed in this Writ Petition.

7. In any case, Mr. Rana, learned Counsel appearing for the Petitioner fairly admits that marriage under the Special Marriage Act, 1954 took place on 28th June 2018 and second marriage between the same parties took place as per Hindu Vedik Rites on 29th June 2018.

8. It is significant to note that, what is sought to be done by the said amendment application is merely correction in these two marriage dates and the same has been allowed by the impugned order. There is no change in the pleadings, no change in the cause of action except correction of typographical mistake. By no stretch of imagination, it can be said that new case is sought to be made.

9. In fact, in the prayer clause in the Petition filed before the Family Court, the Petitioner i.e. present Respondent No.1 has sought dissolution of marriage which took place on 29th September 2018. It is an admitted position that on 29th September 2018 neither the first marriage between the parties under the Special Marriage Act, 1954 nor the second marriage between the same parties as per Hindu Vedic Rites has been performed. Admittedly, the first marriage was performed on 28th June 2018 and the second marriage was performed on 29th June 2018.

10. Reliance of Mr. Rana, learned Counsel appearing for the Petitioner on the decision of a learned Single Judge in the case of *Sandhya Shekhar Zanjare* (supra) is misplaced as in that case, what is sought to be introduced by amendment is the factual

position that the Petitioner was already married when the Respondent married her and the said marriage took place without obtaining divorce from her husband of the previous marriage. The said factual aspects which were sought to be brought on record in that case are totally different. Thus, the said decision has no application to the present case.

11. As far as the decision of the Supreme Court in the case of *M. Revanna* (supra) is concerned, the same is concerning bringing on record prior partition which has taken place as per the Memorandum of Partition on 18th May 1977. Thus, the said decision has no application to the present case.

12. As far as the decision of the Supreme Court in the case of *J. Samuel* (supra) is concerned, the said suit is under the Specific Reliefs Act where in the facts and circumstances, the Supreme Court has found that there is no due diligence and that the mistake committed does not come within the purview of typographical error. Therefore, the said decision has also no application to the present case.

13. As far as the present case is concerned, admittedly marriage took place on 28th June 2018 under the provisions of the Special Marriage Act, 1954 and subsequently between the same parties, second time the marriage took place as per the Hindu Vedik Rites on 29th June 2018. In the prayer clause in the Divorce Petition, date 29th September 2018 is wrongly mentioned which is not the date of the first marriage or second marriage. The said marriage date is being changed to 28th June 2018 which is the date on which the first marriage took place between the Petitioner and the Respondent No.1 under the provisions of the Special Marriage Act, 1954.

14. Accordingly, no interference in the impugned order is warranted under Article 227 of the Constitution of India.

15. The Writ Petition is dismissed, however, with no order as to costs.

[MADHAV J. JAMDAR, J.]

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signed by
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PATIL
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