



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CRIMINAL REVISION APPLICATION NO. 75 OF 2025

(Sau. Raksha w/o Manoj Kothari

Vs.

Shri Manoj s/o Pratapbhai Kothari)

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. S.W. Sambre, Advocate for the Applicant.

Mr. K.S. Motwani, Advocate for the Non-applicant.

CORAM: URMILA JOSHI-PHALKE, J.

DATED : 6th FEBRUARY, 2026

1. The present Revision is preferred by the Applicant challenging the rejection of the amendment application which is filed by the Applicant before the Principal Judge Family Court No.2, Nagpur. The Applicant has filed the Petition No.E-401/2019 under Section 125 of the Code of Criminal Procedure (for short "CrPC") for grant of maintenance. In the said Petition in paragraph No.7 the Petitioner has already pleaded that Respondent having extra marital affair with some lady, since long time and same is continued till today. It is further pleaded that, the Respondent has time and again alongwith said lady went on tour by giving the false reason in the house. Therefore, the Petitioner time and again requested Respondent to desist from the said affair but Respondent did not take any heed and neglected and refused the present Applicant/Petitioner, and therefore, she constrained to leave the matrimonial house and filed an application.

2. During the pendency of this Petition, the Applicant/Petitioner has preferred an application for amendment contending that she wants to add details regarding the extra marital relationship of the Non-applicant/Respondent, and therefore, she seeks amendment in following manner:

“7A. That the respondent having extra marital relationship. That the respondent was in relationship with one lady by name Shiwali Banerji since 2004 and she was working in HDFC Bank, as the respondent by giving reason of business trip was residing outstation with the said lady. Though petitioner having doubt about this fact, but she kept mum for years with hope that the petitioner will change his behaviour and desist from said relationship with said lady. The respondent day by day changed his behaviour and relationship with the petitioner and same drastically changed since 2008, but the petitioner was under impression that the respondent was under work load. The petitioner came to know about respondent’s extra marital relationship around in the year 2012, as she found objectionable photos with said lady Shiwali Banerji and also found his call recording in the mobile phone of the respondent and then petitioner saved all said call recording of the year 2012-2013 on Compact Disk. So also the petitioner informed all this facts about behaviour of the respondent and his family members with the petitioner to her parents by writing the inland letter card from time to time and same reveals from the contents thereof.

7B. That at present respondent having extra marital affair with one another lady by name Nehal Oza. That said lady has attended many functions with the respondent and the respondent always accompanied with said lady Nehal Oza. So also said Nehal Oza has resided with the respondent at his residence for period of week and she used to come and reside with the respondent from time to time at his residence.

7C. It is submits that the respondent himself had curtail physical relationship with the petitioner since 2008 and same was as good as desist after said fact came to know to the petitioner in the year 2012. Thereafter, respondent threatened the petitioner that, if she discloses this fact to the other family members then he will suicide and same was threatened from time to time. On one occasion he cut his veins with knife and tried to suicide. The respondent always kept the petitioner in fear and stress with such threatening, but to save her matrimonial life looking towards her two sons, she tried to create love and affection within the respondent, so also with hope tried her level best to convince the respondent to desist from his extra marital affairs, but all in vain. The respondent had made situation and constrained the petitioner to left her matrimonial house in the year 2015 and take shelter to her parent's house at Nagpur."

3. The said application is strongly opposed by the Non-applicant on the ground that the Applicant has not stated in details as to why the amendment is required nor placed any document on record, and therefore, the amendment application deserves to be rejected. It is further stated by the Non-applicant that it would change the nature of the entire proceeding.

4. After hearing both the sides and on perusal of the Application, the learned Family Judge has rejected the application by observing that the Petitioner has not stated in detail as to why the amendment is required nor have placed on record the documents on the basis of which the amendment is pleaded. Further, the events referred to are not subsequent events, the application is vague and without

substance. Therefore, the amendment application is rejected.

5. After perusal of the order passed by the Family Court and on perusal of the application which is filed by the Applicant/Petitioner before the Family Court it reveals that the Petitioner is seeking amendment as to the extra marital relationship of the Respondent with one lady. On perusal of the main petition it reveals that in paragraph 7, she has specifically pleaded that the Respondent is having extra marital affairs with some lady since long time and same is continued till today. Thus, it is not that the new fact is brought to the notice of the Court by the proposed amendment. On the contrary, the basic fact regarding the extra martial relationship of the present Non-applicant/Respondent is already pleaded by the Applicant in the main petition, and therefore, the observation of the Family Court that the Petitioner has not stated in detail as to why the amendment is required is not sustainable.

6. In view of that and considering that the pleading of the present Applicant regarding the fact that the Non-applicant is having extra marital affair is already pleaded in the main petition and by way of amendment she only wants to bring on record the evidence by stating the name with whom he is having the illicit relations, and therefore, the proposed amendment is necessary and requires to be allowed. In view of that, the order passed by the Family Court without considering the pleading in the main application appears to be wrong and illegal. In view of that, the said order requires to be quashed and set aside. Accordingly, I proceed to pass the following order.

ORDER

- i. The Revision Application is **allowed**.
 - ii. The order passed by the Family Court rejecting the amendment application, is hereby quashed and set aside. The application for amendment is allowed. The Petitioner shall carryout the amendment within 14 days i.e. the stipulated period and amended copy be placed on record so also supply the copy to the Respondent.
 - iii. The Family Court to dispose of the Petition at the earliest.
7. Pending application/s, if any, shall stand disposed of accordingly.

(URMILA JOSHI-PHALKE, J.)