

ORDER BELOW EXH. 40

This is a proceeding under the provisions of the Protection of Women from Domestic Violence Act. Applicant through present application is seeking relief of amendment in her main application. Respondent filed say below the application and resisted the same.

2. Ld. Advocate for applicant submitted that, applicant want to bring certain facts regarding her job and other circumstances on record. Said amendment will not change any nature of proceedings and it is necessary for proper adjudication of the matter in hand. Trial is yet to be commenced and hence, no prejudice would cause to respondent if the amendment is allowed. Hence, prayed for the relief sought.

3. *Per contra*, Ld. Advocate for respondent *vide* his say submitted that, applicant is trying to prolong the matter by making applications with intent to recover maintenance amount. Hence, prayed for rejection of application.

4. Perused the application, say filed and record. Heard Ld. Advocates for both sides. It is the case of applicant that, there are certain material changes in circumstances and the same need to be brought on record. She has also mentioned the proposed amendemnt in the present application.

5. Perusal of record shows that, amendemnt sought i.e. prayers are already mentioned in her main application and through proposed amendment she is seeking enhancement in the same. Thus,

it will not change the nature of proceedings. Further, she wants to bring on record the fact of her employment, which is also necessary to be brought on record.

6. As the matter is at very initial stage, respondents will be at liberty to file additional reply, if any, and hence, no prejudice would cause. *Needless to mention*, parties will be bound to prove their contentions by adducing evidence on record in support of the same. Therefore, considering reasons mentioned above, I am inclined to allow present application and grant permission to carry out proposed amendment as prayed. Accordingly, I proceed to pass following order :

1. Application at Exh. 40 is hereby allowed and permission is granted to applicant to carry out proposed amendemnt as prayed.
2. Applicant shall carry out amendemnt within stipulated time and file amended copy on record by next date. Copy of the same be also provided to respondents.
3. Both parties to take note of this order.

Pune
Date : 16/03/2024

(Vickrant P. Khandare)
Judicial Magistrate First Class, Pune.
(Court No. 6)