

MHAH160006202019



**ORDER BELOW APPLICATION Exh. 26 IN CRI.M.A. NO.204 OF  
2019**

The present application has been filed by the aggrieved person against the opponent under Section 12 of the Protection of Women from Domestic Violence Act, 2005 ( in short “DV Act”). The present application (Exh. 26) the opponent Nos. 1 for seeking permission to correct his pleadings in written statement. Perused the application. Heard both sides.

2. In the application (Exh. 26) it has been submitted by the opponent Nos. 1 that, the present main application is amended by the aggrieved person after the change in facts and circumstances occurred post birth of his child Deovansh. Hence, in this regard, the opponent want to amend his written statement as mentioned in application (Exh.26). Hence, he prayed that application for amendment of pleadings in written statement may kindly be granted. Per contra, the learned advocate for aggrieved person strongly resisted to the present application and submitted that, the recitals mentioned after the amendment of main application are true and correct, the present application has falsely moved by the

opponent Nos. 1 only with the intention to prolong the matter. Hence, the same may kindly be rejected or allowed subject to costs of Rs.5000/-.

3. Perused the application (exh. 26) say filed over the same and the main application. On perusal of the same, it is seen that after the birth of Deoansh the aggrieved person amended her main application, now, the opponent wants to amend his pleadings as mentioned in application (Exh. 26) which are founds in respect of the amendment carried out in main application. It is the duty of the opponent to rebutt the said facts and prove his side. This court cannot prevent him from proving his innocence, he has every right in this behalf. Therefore, the present application needs to be allowed. Now, remaining the question of costs as claimed by the aggrieved person, in this regard here it is necessary to mention that, the cause occurred for present application (Exh. 29) after the amendment of the main application, hence, there is no deliberate act on the shoulder of the opponent is seen. Hence, he is not liable for imposing any costs on him. In turn, following order has been made :-

**ORDER**

1. The application is allowed.

2. The opponent is hereby granted permission to amend his pleadings of the written statement as mentioned in application (Exh. 26) before next date of the present application. The amended copy of written statement shall provide to the aggrieved person.

Date: 13/09/2023

**(Rahul K. Gaikwad)**  
Judicial Magistrate First Class,  
Akole.