

MHBU040000662020



Guardian Wards- 02/2020  
Nikunj Vs. Prachi

**ORDER BELOW EXH.72**

**(Dated: 24.12.2025)**

1. The present application is filed by Respondent no.1 (wife) for carrying out amendment in the written statement as per Order VI Rule 17 of the Code of Civil Procedure .
2. Applicant has filed reply at Exh.73.
3. Perused application and reply. Heard learned advocates of both sides.
4. The present proceeding under Guardian and Wards Act 1890 for custody of Respondent no.2 and 3. According to Respondent no.1 certain developments have taken place subsequent to the filling of written statement and they have direct bearing on the present proceeding and therefore written statement needs to be amended accordingly.
5. According to the applicant the application is belated, motivated and malafide. Applicant has denied the contents of proposed amendment. Hence he prayed that application be rejected with costs.

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6. Admittedly, the proposed amendment is with respect to subsequent developments after filling of the written statement. Therefore the proposed amendment is necessary to decide the real controversy between the parties. At present at the time of deciding application for amendment, merits cannot be looked into. Applicant has opportunity to deny the contents of proposed amendment. Therefore the proposed amendment if allowed will not cause prejudice to the applicant.

7. Hence in view of the above discussion the present application is liable to be allowed to decide the real controversy between the parties and to avoid the multiplicity of proceeding and to decide the matter on merit. Therefore I proceed following order.

**ORDER**

1. The present application (Exh.72) is allowed.
2. Respondent no.1 is directed to carry out amendment in the written statement as prayed for and is further directed to supply copy of amended written statement on or before next date.

Date 24.12.2025

(Amit P. Kokare)  
Adhoc D.J.02 Khamgaon