

**IN THE COURT OF JUDICIAL MAGISTRATE FIRST CLASS,
44th COURT, ANDHERI, MUMBAI.**

C. C. No. 91/DV/2024

Mrs. Suchira Pradeep Kumar Mandal
Nee Suchira Pradipkumar Jalui **Complainant**

V/s

Pradeep Kumar Ramyash Mandal **Accused**

ORDER BELOW EXH.NO.08

(Passed on 13/08/2025.)

The applicant who filed the petition under section 12 of Protection of Women from Domestic Violence Act, 2005, has moved this application for amendment on the ground that some words were wrongly typed inadvertently in the application and therefore, in order to remove the ambiguity, she intends to carry out minor correction. The applicant has given the tabular form about the facts which are proposed to be corrected and incorporated by way of the amendment of the complaint. Tabulated below, are the list of amendments proposed to be incorporated, respectively.

Sr. No.	Page No./Point	Nature of amendment
1	Pg.1/Section	Delete sec. '15'
2	Pg.19/pt. 'p' 5 th Line	Replace with word 'Respondent' instead of 'applicant'
3	Pg.8/Pt 'd1'	To be inserted before pt. 'e' (after point 'd' which begins from pg.7)
4	Pg.34/Pt.'C1'	To be inserted after point no. 'C'
5	Pg. 34/Pt.'C2'	To be inserted after point no.'C1'

6	Pg.39/Pt.'G1'	To be inserted before pt. 'H' (after point 'G' which begins from pg. '37')
7	Pg.40/Pt.'I1'	To be inserted before pt. 'J' (after point 'I' which begins from pg. '37')
8	Pg.41/Pt.'K1'	To be inserted after point 'K'
9	Pg. 46/pt.'8A'	To be inserted before pt.'9' (after pt. '8' which begins from pg. no.'45')
10	Pg.52/pt.'x', 3 rd line	Insert word 'Malad' before 'flat'
11	Pg 95/pt 'D'	To insert:- Sr. no.'1' end of sentence 'as granted by Hon'ble Family Court'. Sr. no. '2' & Sr. no.'3'. Insert 'quarterly due school fees of kids'
12	Pg.115 in IA/pt '2'	Delete Sec '15'
13	Pg.116/first line	Delete:- 'and would be forced to live shelter-less'.
14	Pg.116/pt '3-i'	Delete word 's' from the word 'Respondents'; Replace with 'him' instead of 'themselves' & Replace with 'him' instead of 'their'; insert '&/or her Children' at the end of sentence.

2. Per contra, the respondent strongly opposed the application inter-alia submitting that the facts which are proposed to be inserted are not tenable. In fact, the respondent has denied the facts which are proposed to be inserted in the application and has stated that the applicant is having illicit relationship with Anthony Sequeira @ Toni. According to the respondent, he has provided financial support to the applicant and the allegations leveled against him are false. Thus, he opposed the application.

3. Having heard the learned advocates for both the side, I perused the record.

4. After perusal of the application, it appears that the applicant intends to correct the alphabets/words which are said to have been made inadvertently. Thus, prima facie it appears that the applicant does not intend to change the nature of the case. Moreover, the proposed amendments seem to be formal amendments and the respondent would get a chance either to rebut or deny the facts which are proposed to be inserted by way of this application. Thus, no prejudice would be caused to the respondents, if such amendment application is allowed.

5. It is settled that the very purpose of enacting the Protection of Women from Domestic Violence Act, 2005 was to provide for a remedy which is an amalgamation of civil rights of the complainant i.e. aggrieved person. In a case of **Kunapareddy @ Nookala Shanka Balaji Vs. Kunapareddy Swarnakumari, AIR 2016 SC 2519**, the Hon'ble Supreme Court of India held as under-

“It cannot be said that the Court dealing with the application under D.V. Act has no power and or jurisdiction to allow the amendment of the said application. If the amendment becomes necessary in view of subsequent events or to avoid multiplicity of litigation, Court will have the power to permit such an amendment. It is said that procedure is a handmaid of justice and is to come to the aid of the justice rather than defeating it”. Para 17

6. In view of the ratio laid down in the citation *supra*, this Court is of humble opinion that if the amendment is just and necessary to determine the real controversy between the parties, the amendment application can be allowed. In short, having regard to the provisions of

Section 28 of Protection of Women from Domestic Violence Act, 2005, I have no hesitation to allow the application on hand. Hence, I pass the following order:

ORDER

- 1 The application is allowed.
- 2 The applicant shall carry out the necessary amendment in the complaint and shall file amended copy thereof on record.

Sd/-

(Sujitkumar C. Tayde)
Judicial Magistrate First Class,
44th Court, Andheri, Mumbai.

Date :- 13.08.2025

spj