

ORDER BELOW EXH. 109

Present application is filed by applicant no. 1 for amendment in her original application. The non-applicant resisted this application by filing say at Exh. 121.

2. It is contention of the applicant that, this proceeding is under PWDVA Act. Evidence of the applicant is going on in this proceeding. Several important facts are remained to plead in the original application by an applicant. Even, after institution of this proceeding, there are some changes in circumstance. So, the applicant is required to amend her original application by incorporating the pleadings pertaining to the description of her ornaments in para 2 of the application.

3. The applicant is also willing to pray for amount of Rs. 15,000/- towards house rent and expenses of Rs. 25,000/- towards this litigation. The applicant is also willing to pray for return of her ornaments and household items. The applicant is further willing to claim the relief pertaining to return of amount of Rs. 6,00,000/- paid by her parents to the non-applicant no. 1 and his father.

4. The proposed amendment will not change the nature of this proceeding. It will also helpful for the Court to ascertain real facts between the parties. Whereas if, the application is not allowed, it will cause prejudice to the applicant and will lead to the multiplicity of proceedings. Hence, the applicant prayed to allow this application.

5. On the other hand, non-applicant contended in his say at Exh. 121 that, the application is false and contrary to the facts, it is also not maintainable under law. The applicant has produced her evidence. Thereafter, this application is moved. The proceeding came to be instituted on 13/04/2023. The Hon'ble Bombay High Court has

quashed the proceeding against non-applicant no. 2 to 6. Even thereafter, the applicant is seeking to claim the alleged amount given to father of non-applicant no. 1.

6. The contentions about household articles, streedhan etc. are with malafide intentions to get enhanced maintenance. On these counts, the non applicant has prayed to reject this application.

7. Perused record. Heard both sides. This proceeding is presented before this Court on 13/04/2023. The applicant till today has examined three witnesses. It is also necessary to state here that, the applicant has presented her evidence affidavit at Exh. 13 on 16/01/2024. Thereafter, she has again presented her additional evidence affidavit at Exh. 53 on 20/12/2025.

8. The applicant in support of her contention has relied upon the judgment of the Hon'ble Punjab and Hariyana High Court in the case of Pankaj Kumar Vs. Manjit Kaur ((2025) 2 CivCC176) and upon the judgment of Hon'ble Supreme Court in the case of Nitaben Dinesh Patail Vs. Dinesh Dahyabhai Patail ((2021) 6 AndhLD 104).

9. I have gone through both these authorities cited on behalf of the applicant. In the case of Pankaj Kumar (supra.) There was application in prescribed proforma and the amendment was regarding filling up of the blank space of the amount of monitory relief. Whereas, in the case in hand, the present application is detailed typed application along with all the reliefs claimed therein. So, the authority of Pankaj Kumar (supra.) is not applicable to the facts of this case.

10. In the case of Nitaben (supra.), the proceeding was under Hindu Marriage Act and the amendment was in written statement of the appellant. Whereas, in the present proceeding, the applicant has laid almost all her evidence and even the non-applicant has cross-

examined the applicant and her witnesses. So, the facts in the case of Nitaben (supra.) as well differs from the facts and stage in this proceeding.

11. No doubt, even in proper cases under the Domestic Violence Act as well, parties can be permitted to amend their pleadings. But, the present amendment application is preferred after leading the evidence by applicant and her witnesses. Now, by way of present application the applicant is trying to fill up the lacuna in her evidence, which was not pleaded by herself in the original application. While allowing the amendment application, Court cannot permit either party to fill up the lacuna in their case. So, on this ground present application cannot be allowed.

12. If, the proposed amendment is perused minutely, it appears that, the applicant was well aware that her streedhan and other belongings are in custody of the non-applicant. However, in her original application, she has omitted to plead with this regard. Further, on page no. 4 of the original application, the applicant has pleaded about transfer of amount to the non-applicant and his parent. But, in spite of having opportunity to seek relief to that effect, the applicant has not claimed so. So far as, the relief of house rent and other expenses are concerned. The applicant has already prayed for residence order and house rent. All the facts in proposed amendment were well within knowledge of the applicant, since beginning of presentation of original application itself. Therefore, there is no possibility of multiplicity of proceeding in this case.

13. As per the applicant, inadvertently she could not plead the facts in proposed amendment in original application. This reason cited by the applicant itself goes to show that, the applicant is not due

diligent. So, now at this juncture, if the proposed amendment is allowed, it would be nothing but permission to the applicant to fill up the lacuna in her case and to wash out the admissions if any, are brought on record by the non-applicant by way of cross-examination of the applicant and her witnesses.

14. By way of this belated application, the non-applicant would certainly suffer from prejudice. It will also result into prolonging of this time bound proceeding. Further, the proceeding under Domestic Violence Act is summary in nature. So, considering the present stage in this proceeding, prejudice which may cause to the non-applicant by way of proposed amendment and unjustifiable reason cited in this application for this belated application, this application is devoid of merit. So, it is liable to be rejected. Hence, the following order:-

ORDER

Application stands rejected.

Kallam.
Dt. 31/07/2026

(K. K. Chaudhari)
Judicial Magistrate First Class,
Kallam, Dist. Osmanabad.

CERTIFICATE

I affirm that, the contents of this PD.F file judgment are same, word to word, as per the original judgment.

Name of Stenographer	Shri. Pankaj A. Kshirsagar
Court	Jt. C.J.J.D. & J.M.F.C. Kallam
Date	31/07/2026
Order signed by the Presiding officer on	31/07/2026
Order uploaded on	31/07/2026