

(1)

ORDER BELOW FOR 33 IN CRIM. A. NO. 506/18  
( Dated 05.11.2022 )

- 1) The applicant has been moved by the original non-applicant namely prasadin S.12. D.V. Applicant on the grounds that he has been compelled to resign his job on 23-04-2021 due to lockdown and now earning only Rs. 18,000/- as well as to pay debts he said that and that is the change in circumstance and wants to amend para 26 of his say at FOR. 10 dated 18-09-2018 by way of proposed amendment in para 2 of his application.
- 2) The main applicant namely Kamal has filed his say below FOR. 38 by objecting the application on the grounds that she doesn't know about change of job and new business

of the applicant passed 3 present applicant just has been moved over to his time to avoid staying maintenance; present D of criminal is nature; no document has been filed as to change drawings & selling property; present kept changing his jobs to harass me and forced to sell the applications.

3. I have heard CA Ash, for the present applicant passed, Shri Burchant, and main applicant Kamal, CA Ash said he is franchise. They both agreed in the light of fair submission in applications and say, respectively.

Moreover CA Ash. Burchant cited upon authority of the 11th SC supreme court held is nonpareddy v. Swarna Kumar, reported is 2014 AIR (SC) 2519.

4. I have gone through the record. on perusal of record it is seen that the applicant Kamal has filed S. 12 D.V. applications on 13.05.2018 and the non applicant passed filed his say

on 18.03.2021 SCW sect 10, on perusal of said  
 let. ~~10~~ <sup>10</sup> it is seen that in para 26 the  
 non appoint proand has admitted that he is  
 a Design Engineer and earns Rs 71,000/- per month  
 and Rs 20,000/- is in hand salary due to deduction of  
 house & car loan. Now on the reason of change in  
 circumstance that is he is compelled to resign from  
 company and by way of his private business is earning  
 Rs 18,000/- per month on terms of resignation ~~in~~ order  
 of Sect. 32 document no. 5 dated 23.04.2021 it is seen  
 that resignation has been accepted of the RA proand  
 by the company. This shows that proand, non appoint  
 has not been removed from employment but he has  
 resigned from his said employment. So, the reason  
 shown for change in circumstance is self created as only  
 to avoid moral duty of maintenance to appoint himself,  
 it is ordered, by the court by way of Sect. 10. The  
 appointment has been made to various ~~other~~ <sup>other</sup> concerns of  
 the firm appointment cannot be the RA proand with ulterior  
 motive as well as to <sup>reverse</sup> ~~repeal~~ his admission in Sect. 10  
 in para 26 as to his salary of Rs. 71,000 per month.

further in Kunnappaswamy's case the facts before  
 the H<sub>2</sub>SU Supreme Court were that the  
 applicants for amendment of S.12 appointment  
 were moved on the ground that income of D.V.  
 went to live again with the new appointee as  
 apology but things did not change. The applicant  
 moved applicant for amendment on the basis  
 of change in circumstance / the subsequent events  
 to claim maintenance as higher side. The H<sub>2</sub>SU  
 Supreme Court has held that if the power  
to amend the appointments etc is not dead into  
the refusal providing the very purpose which the  
Act attempt to sub-serve itself may be  
defeated in many cases. And also observe in 1978 case  
 that... if the amendment becomes necessary  
in view of subsequent events [Escalation of  
prices in the instant case] or to avoid  
multiplicity of litigations, court will have power  
to permit such amendment. In the present  
 matter the applicant has resigned from his  
 company to show his monthly income has  
 become Rs. 18,000/- from Rs. 71,000/-.

(5)

Further amendment is made to revoke the admission as to salary per month. So the law held in Kunnapur is binding to this case - but with due respect - it is not applicable to present matter as facts are not similar in nature. So, I proceed to pass order as follows

ORDER

The applicant's stand is rejected.

Pimpri

J. M. F. C.  
(M. A. More)

Date: 05.11.23

2nd J.L. J.M.F.C. Pimpri

Muz. Pune