

MHRG170007082024



CRIMINAL APPEAL NO. 27/2024

Minaxi Vijay Indalkar

Vs.

Vijay Shivaji Indalkar

CNR NO. MHRG170007082024

ORDER BELOW EXH. 17

1. By this application, the appellant has prayed for adding name of minor Malhar as appellant No.2.
2. Learned advocate Smt. Shaila Salunkhe for the appellant has submitted that inadvertently the name of minor child is remained to be mentioned in the appeal memo and therefore it is necessary to allow the application.
3. Per contra, learned advocate Smt. Supriya Rathod for the respondent has submitted that application has been filed after the respondent has raised objection and as such it can be said to be an afterthought application. According to her, even if the amendment is allowed, the appeal would not succeed as there is defect in prayer clause. Thus, she has prayed to reject the application.
4. Upon perusal of the record, it is found that name of the minor Malhar was mentioned in the original petition before the learned Magistrate, but when the order was challenged his name has not been mentioned in the cause title as a appellant No.2.
5. It is to be noted here that the appellant has claimed maintenance

for and on behalf of the minor child before the learned JMFC. Therefore, he can be said to be just and proper party to this appeal. In this view of the matter, the application for amendment deserves to be allowed.

6. So far as, the objection raised by learned advocate for the respondent that even if the minor is added as party, the appeal would not succeed is concerned, said aspect of the matter can be decided on merit. Therefore, the same need not be decided while deciding present application. In the light of this, I conclude that the application deserves to be allowed. Thus, I proceed to pass following order.

ORDER

1. Application Exh.17 is allowed.
2. The appellant shall carry out the amendment forthwith and place on record amendment appeal memo on 28/11/2025.

Panvel,
Dated :- 14/11/2025

(Dinesh E. Kothalikar)
Additional Sessions Judge, Court No.2,
Panvel, Dist-Raigad.