

ORDER BELOW EXHIBIT NO.22

Swetali vs. Devendranath

This is an application under Order VI, Rule 17 of the Code of Civil Procedure, 1908 (hereinafter referred to as the C.P.C.).

2] The applicant has filed application under section 12 of the Protection of Women From Domestic Violence Act, 2005 (for short 'the D.V. Act'). The respondent no.1 is the husband and other respondents are in-laws of the applicant.

3] The applicant has claimed that due to mistake and oversight in para no.32 date of incidence was inadvertently mentioned as 08/03/2016 instead of 08/05/2016. The said date needs to be corrected. It is typographical mistake.

4] The application came to be opposed on the ground that it is made after the respondent has filed an application under section 340 of the Cr.P.C. On the date mentioned in the application applicant was not at home. Application under section 340 of the Cr.P.C. has to be decided simultaneously.

5] I have heard both sides. Perused the record. The applicant has claimed that there is typographical mistake in para no.32 of the application. It is seen that it is typographical mistake. It is prima facie seen that the proposed correction is necessary for the just decision of the case on merits. It will not change the nature of proceedings. As far as application under section 340 of the Cr.P.C. is concerned, it is a separate proceeding. It has to be decided on inquiry. Therefore, both applications cannot be decided simultaneously. As the amendment proposed is necessary, the application deserves to be allowed. Consequently, I pass the following order.

Cri. MA NO.4/2020
CNR NO : MHTH12-000012-2020

ORDER

- 1) The application is allowed subject to costs of Rs.500/- to be paid to the Legal Aid, Vashi.
- 2) The applicant shall carry out necessary amendment within 14 days of this order.

Vashi, Navi Mumbai.
Date : 30/04/2022.

Sd/-
(**Vikas D. Bade**)
4th Jt. Civil Judge, Junior Division,
Vashi, Navi Mumbai.