

ORDERS ON I.A. No.4 FILED BY THE
RESPONDENT U/O. VI R. 17 R/W SEC.151
OF C.P.C

The respondent has filed this application U/O. VI rule 17 r/w Sec.151 of CPC and prays the Court to permit him to amend his objection statement to plead that, the petitioner recently got married to one Anukumar resident of Aswhathreddy badavane, Chitradurga and from their wedlock, the petitioner gave birth to a male child on 26.09.2018, at Government district hospital Chitradurga and now she is concentrating on male child and neglecting their daughter.

2. The petitioner objected this application and filed her written objections, contending that, the respondent has cross examined her beyond his pleadings. In order to fill up the lacuna, he has filed the amendment application. Filing of this application is nothing

but prolonging the proceedings. The respondent has not assigned good reason for seeking amendment of his objection statement at this stage. Accordingly, she prayed the Court to dismiss the application.

3. I have heard both the counsels on this application.

4. The following points arise for my consideration.

1. Whether the proposed amendment is necessary to elucidate real dispute between the parties?

2. What order?

5. On the basis of the pleadings of both the parties and the contentions taken by the respondent in his application, my findings to the above points are as under:

Point No.1 : In a affirmative

Point No.2 : As per final orders for the following:

REASONS

Point No.1:

6. The petitioner/wife has filed this petition U/Sec. 13 of Hindu Marriage Act and prays the Court to dissolve her marriage with the respondent which was solemnized on 11.03.2004 at Sri. Dyamalamba devi temple, Hireguntanoor, Chitradurga.

7. Now the case stands posted for respondent's evidence. Now the respondent contends that, the petitioner got 2nd marriage with one Anukumar of Chitradurga and she gave birth to a male child on 26.09.2018 at district hospital Chitradurga. Now the petitioner is concentrating on her male child and neglecting their daughter Ganashree.

8. In support of his contentions, the respondent has produced a birth register extract of Government hospital Chitradurga and copy of birth certificate of a male child

dated: 26.09.2018. The correctness of those 2 documents has to be ascertained by way of trial. The respondent intends to plead a subsequent event, which was alleged to be occurred after the filing of his objection statement in the above case.

9. No prejudice would be caused to the petitioner if the respondent is permitted to amend his objections statement to plead the facts stated in his application. Rejection of this application may lead to multiplicity of proceedings. The proposed amendment will not change the nature of the case. But, the respondent has to bear the costs for filing of this application at a belated stage. Accordingly, I answer the Point No. 1 in the affirmative.

Point No.2: For the aforesaid reasons, I proceed to pass the following:

ORDER

I.A No.4 filed by the respondent
U/O. VI R.17 r/w Sec.151 of CPC
is here by allowed on a costs of
Rs.1000/- .

The respondent is permitted to
carryout amendment as sought in
the application.

To carry out amendment and to
file amended objection statement.
Call on 06.02.2020.

Senior Civil Judge & JMFC
Hiriyur