



2026:CGHC:23549

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WP227 No. 637 of 2026**

Kailash Kumar Sahu S/o Parmanand Sahu Aged About 29 Years At Present Resident Of Behind Harihar School, Gobra Nawapara, Rajim, District- Raipur (C.G.)

... **Petitioner(s)****versus**

Smt. Dolly Sahu Daughter Of Shobharam Sahu Aged About 26 Years Resident Of Village- Teka, Police Station- Rajim, District- Gariyaband (C.G.)

... **Respondent(s)**

For Petitioner(s) : Mr. Sanjeev Kumar Sahu, Advocate

(Hon'ble Shri Justice Amitendra Kishore Prasad, J.)**Order on Board****04/06/2026**

1. Heard.
2. Present is a writ petition filed by the petitioner under Article 227 of the Constitution of India challenging impugned order dated 13.05.2026 passed in Civil Suit No. 731/2024 by the learned Principal Judge, Family Court, Raipur (C.G.) whereby the learned Principal Judge, Family Court has allowed the application under Order 6 Rule 17 of CPC filed by the respondent to amend the



written statement.

3. Learned counsel for the petitioner submits that the impugned order dated 13.05.2026 is wholly illegal, perverse and erroneous in law, and therefore, the same liable to be set aside. It is contended that the learned Family Court failed to appreciate the mandate of the proviso to Order 6 Rule 17 of CPC, which clearly prohibits allowing amendments after commencement of trial unless the requisite conditions are satisfied. In the present case, the trial had already commenced and, therefore, the amendment application preferred by the respondent ought to have been rejected. He further submits that the amendment sought by the respondent is not bona fide and has been filed with the sole intention of delaying the adjudication of the divorce proceedings and the amendment application is bulky, unnecessary and intended to protract the litigation, which is evident from the conduct of the respondent reflected in the order sheets, showing that the respondent has repeatedly sought adjournments, particularly for the cross-examination of the petitioner. Therefore, he prayed that the impugned order be quashed and set aside.
4. I have heard learned counsel for the petitioner and perused the material annexed with the petition.
5. In matrimonial disputes, a liberal approach with regard to pleadings is often required to ensure that all relevant facts are brought before the Court. No prejudice is shown to have been



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caused to the petitioner by allowing the amendment.

6. Considering the facts and circumstances of the case, this Court finds no illegality or perversity in the order dated 13.05.2026 passed by the learned Principal Judge, Family Court, Raipur (C.G.) in Civil Suit No.731/2024. The amendment has been allowed to elaborate the respondent-wife's defence and appears necessary for proper adjudication of the dispute. The trial had not progressed to such an extent as to warrant rejection of the amendment application.
7. This petition being devoid of merits, is liable to be and is hereby **dismissed**.
8. Pending Interlocutory Applications, if any, shall stand disposed of.

Sd/-
(Amitendra Kishore Prasad)
JUDGE

Sumit