

IN THE HIGH COURT OF JHARKHAND AT RANCHI
C. M. P. No. 574 of 2025

Reena @ Sangeeta Kumari @ Reena Kumari, W/o Ram Kumar Munda @
Roshan Lal Munda, D/o Narayan Munda, R/o Baradohar, Sugia, P.O.
Karma (South), P.S.-Mandu, Dist.-Ramgarh Petitioner

Versus

Ram Kumar Munda @ Roshan Lal Munda, S/o Shri Chhote Lal Munda,
R/o Village-Kander, P.S.-Mahuatand, Dist.-Bokaro... Opp. Party

CORAM: HON'BLE MR. JUSTICE GAUTAM KUMAR CHOUDHARY

For the Petitioner	: Mr. Mahesh Kr. Mahto, Advocate
	Mr. Saibal Mitra, Advocate
	Mr. Jageshwar Mahto, Advocate
For the Opp. Party	: Mr. Prem Mardi, Advocate

Oral Order

04 / Dated : 13.10.2025

1. The instant civil misc. petition has been preferred for quashing the order dated 11.06.2025 passed in Maintenance Case No. 95 of 2021 by learned Principal Judge, Family Court, Ramgarh, whereby and whereunder, the amendment petition filed under Order VI Rule 17 of CPC has been allowed in favour of the opposite party-husband.
2. The petitioner is the wife and respondent in the suit for dissolution of marriage filed under Section 7(1)(a) of the Family Courts Act read with Customary Law of Munda and Oraon for Dissolution of Marriage by Decree of Divorce.
3. As per the plaint, the marriage was solemnized on 23.04.2000 according to Hindu Rights and Customs in their childhood at the age of three years and seven years respectively. Earlier, the petitioner/husband had filed a divorce suit under Hindu Marriage Act, 1955 which was dismissed on the ground of non-maintainability, as both, the petitioner and respondent, did not come under the purview of a Hindu as they are guided by Sarna religion. In this view of the matter, the present suit has filed in which the following amendment has been allowed by the Trial Court at the instance of the petitioner-husband:

“By the amendment, the word “Hindu” has been permitted to be substituted by the word “Munda” in the plaint and the following paragraphs were permitted to be added:

“QA The petitioner and respondent no.1 are Mundas.

QB That under the customary law of Munda, Dissolution of Marriage is permissible.

QC. That as per customary law, amongst others the ground in which divorce is permissible are:

- (i) That the wife is a landi or run-away, that is, she habitually runs away from her husband's place;
- (ii) That she is in adultery
- (iii) Confirmed bad temper and frequent quarrels between husband and wife may also justify divorce.

QD. That further under the customary law no special ceremonies or formalities are required to affect a divorce.

QE. That one of the recognized forms of grant of divorce in the Munda Customary law 'including the petitioner's family is convening of Panchayat where both the parties are required to be present with their family members. The panchayat members hand over a Sal leaf/turmeric. If the parties come and consent for divorce, the Sal leaf/turmeric is broken into half signifying divorce.

QF. That as stated above the respondent no.1 is in adulterous relationship and has given birth to two child who do not belong to the petitioner. As such, the same justifies grant of divorce even under the customary law of Munda.

QG. That in view of the same, the petitioner requested the respondent no.1 and her family members on several dates and lastly on 19.08.2018 to opt for divorce as per customary law by agreeing for panchayat. However, the respondent no.1, on account of her greedy intentions and to extort money from petitioner, refused to grant divorce and/or appear before the panchayat and in her absence, the same was refused to be conveyed as is evident from the endorsement made by the Mukhiya on the letter dated 19.08.2018 of the petitioner

QH. That the petitioner has no other alternative to seek divorce and hence in view of the peculiar facts and circumstances of the case is compelled to approach this Hon'ble Court."

4. Learned counsel for the petitioner has submitted that by the said amendment, an admission is sought to be withdrawn that both sides were married as per Hindu Law. Further, the amendment was allowed at the

penultimate stage of trial i.e. at the stage of argument and no reason has been assigned for the delay in preferring the amendment petition.

5. It is argued by learned counsel for the opposite party that there is no change in the nature of suit for the reason that suit has been originally filed under Section 7(1)(a) of the Family Courts Act, 1984 for divorce and not under the provisions of Hindu Marriage Act, 1955. Therefore, there is no question of change of nature by bringing about the proposed amendments. The amendments are intended to remove reference to Hindu, in place of Munda in the plaint. Further, amendments are clarificatory and have been made before the commencement of the trial.
6. Law is settled that liberal principles which guide the exercise of discretion in allowing amendments are the multiplicity of proceedings should be avoided, that amendment which do not alter the character of an action should be readily granted, while care should be taken to see that injustice and prejudice of an irremediable character are not inflicted upon the opposite party under pretense of amendment, that one distinct cause of action should not be substituted for another and that the subject matter of the suit should not be changed by amendment.
7. In the present case it is not in dispute that Plaintiff filed suit under Section 7(1)(a) of the Family Court Act, 1984 read with Customary laws of Munda and Oraon for dissolution of marriage by a decree of divorce. Therefore, proposed amendment in pleadings cannot be said to change the nature of suit. Petitioner will have a right of rebuttal by filing an additional written statement.
8. I do not find any infirmity in the impugned order.
Civil Miscellaneous Petition accordingly stands dismissed.
Pending, I.A., if any, stands disposed of.

(Gautam Kumar Choudhary, J.)

AKT/Satyendra

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