

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

SPECIAL LEAVE PETITION (CIVIL) NO. _____ OF 2015

(Arising from judgment and final order dated xxxx in W.P.
xxx) No. xxxxxxxxx passed by the Hon'ble High Court of
Judicature of Chhattisgarh at Bilaspur)
(with prayer for interim relief)

In the matter of:

SH. XXXXXXXXXXXXX	PETITIONER
	VERSUS
SMT. XXXXXXXXXXXXX	RESPONDENT

AND

I.A. NO. _____ OF 2015
An application for exemption from filing
official English Translation.

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ADVOCATE FOR THE PETITIONER

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30. I.A. No. _____ of 2015
An application for exemption
from filing official English
Translation.

SYNOPSIS

The petitioner is moving the present petition under Article 136 of the Constitution of India seeking Special Leave to appeal arising against the judgment and final order dated xx.xx.xxxx in W.P. xxx) No. xx.xx.xxxx passed by the Hon'ble High Court of Judicature of Chhattisgarh at Bilaspur thereby upholding the order dated xx.xx.xxxx passed by the First Additional Principal Judge, Family Court, Raipur rejecting the application as filed by the petitioner under order 6 rule 17 and under order 7 rule 14 (3) of CPC and dismissing the Writ Petition xxx) No. xx.xx.xxxx.

LIST OF DATES

xx.xx.xxxx	The marriage between the respondent and Mr. Xxxxx was solemnized on xx.xx.xxxx at Ranchi.
xx.xx.xxxx	The respondent and Mr. Xxxxx started living separately.
xx.xx.xxxx	The respondent has filed a Memorandum of Divorce Petition u/s 13 (1) (i-a) of HMA vide MC No.xxxxx, case titled as "Mrs. Xxxxxxx V/s Mr. Xxxxx" alongwith application u/s 14 of HMA. Copy of Divorce Petition u/s 13 (1) (i-a) of HMA dated xx.xx.xxxx vide MC

No.xxxxx, case titled as “Mrs. XXXXXXX V/s Mr. XXXX” filed before the Family Court at Bangalore is annexed herewith as **Annexure P-1** (from pages ____ to ____). Copy of the application u/s 14 of HMA dated xx.xx.xxxx titled as “Mrs. XXXXXXX V/s Mr. XXXX” filed before the Family Court at Bangalore is annexed herewith as **Annexure P-2**

xx.xx.xxxx The respondent had addressed a letter to xxxx, Advocate of the petitioner stating therein decision of Divorce of mutual consent and not to claim for any kind of maintenance or alimony from xxxxxx. Copy of letter dated xx.xx.xxxx is annexed herewith as **Annexure P-3**

xxxxxx Sh. XXXXX had filed the objection in M.C. No. xxxxxx before the Family Court at Bangalore in case titled as Smt. XXXXXXX V/s XXXX. Copy of the objections dated xx.xx.xxxx filed in M.C. No. xxxxxx before the Family Court at Bangalore is annexed herewith as **Annexure P-4**

xxxxxx The respondent had filed a divorce petition u/s 13 (1) (i-a) of Hindu Marriage Act before the Hon'ble Court of Additional District Judge,

Raipur, Chhattisgarh. Copy of the divorce petition u/s 13 (1) (i-a) of Hindu Marriage Act dated Xxxxx before the Hon'ble Court of Additional District Judge, Raipur, Chhattisgarh is annexed herewith as **Annexure P-5.**

xxxxxx

The respondent had filed the proceedings u/s 125 Cr.P.C. before Judicial Magistrate, Raipur, Chhattisgarh vide case No.xxxxx. Copy of petition u/s 125 Cr.P.C. before Judicial Magistrate, Raipur, Chhattisgarh vide case No.xxxxxx is annexed herewith as **Annexure P-6.**

Xxxxx

The respondent had given the complaint against Xxxx Gupta on xx.xx.xxxx to SHO, Civil Line P.S. Raipur, Chhattisgarh. Copy of complaint dated xx.xx.xxxx given by the respondent to SHO, Civil Line P.S. Raipur, Chhattisgarh is annexed herewith as **Annexure P-7.**

xxxxxxx

Xxxx had filed the written statement dated xxxxxx before Judicial Magistrate, Raipur, Chhattisgarh vide case No.xxxxxxx. Copy of the written statement dated xx.xx.xxxx filed before Judicial Magistrate, Raipur,

Chhattisgarh vide case No. xxxxxxxx is annexed herewith as **Annexure P-8.**

xxxxxxx The respondent had written a letter dated xx.xx.xxxx to Sub-inspector, R.T. Nagar, Bangalore for seeking protection. Copy of letter dated xx.xx.xxxx given by the respondent Sub-inspector, R.T. Nagar, Bangalore for seeking protection is annexed herewith as **Annexure P-9.**

xxxxxxx The respondent had addressed a complaint dated xx.xx.xxxx to SHO, P.S. Civil Line, Raipur, Chhattisgarh in respect of conduct of Sh. Xxxxx. Copy of complaint dated xx.xx.xxxx given by respondent to SHO, P.S. Civil Line, Raipur, Chhattisgarh is annexed herewith as **Annexure P-10.**

xx.xx.xxxx to
xxxxxxx Order sheets of Family Court, Bangalore in case No. xxxxxxxx titled as xxxxxxxx V/s Xxxxx. Copies of order sheets for the period xx.xx.xxxx to xx.xx.xxxx passed by Family Court, Bangalore in case No. xxxxxxxx titled as xxxxxxxx V/s Xxxxx is annexed herewith as **Annexure P-11.**

xxxxxxx The marriage between the petitioner and the respondent was solemnized on xxxxxxx according to Hindu rites and ceremonies at Arya Samaj Mandir, xxxx.

xxxxxxx The marriage between the petitioner and the respondent was duly consummated and out of this wedlock one female child namely Xxxxxxxwas born on xxxxxxx.

xxxxxxx The respondent left the company of the petitioner on xxxxxxx.

A complaint was made by the respondent to SHO, P.S. New Rajinder Nagar, xxr.

xxxxxxx The respondent had intimated to the SHO, P.S. Bhodhapura, Raipur on xx.xx.xxxxthat she had given a complaint dated xxxxxxx under the emotion and misunderstanding and the respondent does not want any action against the petitioner and living happily with the petitioner. Copy of intimation dated xx.xx.xxxxgiven by the respondent to the SHO, P.S. Bhodhapura, Raipur is annexed herewith as **Annexure P-12.**

xxxxxxx The respondent had given representation dated xx.xx.xxxxto the Superintendent of Police, Raipur for not taking any action on her

complaint dated xxxxxxxx. Copy of the representation dated xx.xx.xxxx given to the Superintendent of Police, Raipur is annexed herewith as **Annexure P-13.**

xx.xx.xxxx

The respondent had given a complaint to SHO, New Rajinder Nagar, Raipur, Chhattisgarh against the petitioner herein stating that she want to live separately from the husband and want divorce and also stated that transferring of ownership right in respect of property No. xxxxxxxx in favour of the petitioner herein and also stating that she is taking away her entire articles and daughter Xxxxxxx. Copy of the complaint dated xx.xx.xxxx given by the respondent to SHO, New Rajinder Nagar, Raipur, Chhattisgarh against the petitioner is annexed herewith as **Annexure P-14.**

The respondent had intimated to SHO, Bodhapura, Raipur, Chhattisgarh dated xx.xx.xxxx that the respondent under the misunderstanding had given a complaint dated xxxxxxxx against her husband and she does not want any action on her complaint and wants to take back and also stated that

she is intimating without any fear and threat voluntarily and in the sound State of Mind. Copy of intimation given by the respondent to SHO, Bodhapura, Raipur, Chhattisgarh dated xx.xx.xxxx is annexed herewith as **Annexure P-15.**

xx.xx.xxxx The petitioner had given the complaint dated xx.xx.xxxx to SHO, P.S. New Rajinder Nagar against the respondent in respect of throwing the acid upon the petitioner. Copy of complaint dated xx.xx.xxxx given by the petitioner to SHO, P.S. New Rajinder Nagar against the respondent is annexed herewith as **Annexure P-16.**

Investigation report dated xx.xx.xxxx filed by the police authorities of P.S. New Rajinder Nagar in respect of complaint dated xx.xx.xxxx. Copy of investigation report dated xx.xx.xxxx filed by the police authorities of P.S. New Rajinder Nagar in respect of complaint dated xx.xx.xxxx is annexed herewith as **Annexure P-17.**

xxxxxxx The petitioner had filed the divorce petition on xxxxxxxx against the respondent before the Principal Judge, Family Court, Raipur,

Chhattisgarh vide case No. xxxxx. Copy of the divorce petition dated xx.xx.xxxx filed by the petitioner before the Principal Judge, Family Court, Raipur, Chhattisgarh vide case No. xxxxx is annexed herewith as **Annexure P-18.**

xxxxxxx

The respondent had filed the reply dated xx.xx.xxxx to the application u/s 13 (1) (i-a) of HMA. Copy of the reply dated xx.xx.xxxx filed by the respondent before the Principal Judge, Family Court, Raipur, Chhattisgarh vide case No. xxxxx is annexed herewith as **Annexure P-19.**

xx.xx.xxxx

The petitioner had filed an application dated xx.xx.xxxx under order 6 rule 17 of CPC before the Principal Judge, Family Court, Raipur, Chhattisgarh in case No. xx.xx.xxxx. Copy of the application dated xx.xx.xxxx under order 6 rule 17 of CPC before the Principal Judge, Family Court, Raipur, Chhattisgarh in case No. xx.xx.xxxx is annexed herewith as **Annexure P-20.**

The petitioner had filed an application dated xx.xx.xxxx under order 7 rule 14 (3) of CPC before the Principal Judge, Family Court, xxxx in case No. xx.xx.xxxx. Copy of the

application dated xx.xx.xxxx under order 7 rule 14 (3) of CPC before the Principal Judge, Family Court, Raipur, Chhattisgarh in case No.xx.xx.xxxx is annexed herewith as **Annexure P-21.**

xxxxxxx

The respondent filed the reply dated xx.xx.xxxx to the application under order 6 rule 17 of CPC before the Principal Judge, Family Court, Raipur, Chhattisgarh in case No.xx.xx.xxxx. Copy of the reply dated xx.xx.xxxx to the application under order 6 rule 17 of CPC before the Principal Judge, Family Court, Raipur, Chhattisgarh in case No.xx.xx.xxxx is annexed herewith as **Annexure P-22.**

The respondent filed the reply dated xx.xx.xxxx to the application under order 7 rule 14 (3) of CPC before the Principal Judge, Family Court, Raipur, Chhattisgarh in case No.xx.xx.xxxx. Copy of the reply dated xx.xx.xxxx to the application under order 7 rule 14 (3) of CPC before the Principal Judge, Family Court, Raipur, Chhattisgarh in case No.xx.xx.xxxx is annexed herewith as **Annexure P-23.**

xx.xx.xxxx

The First Additional Principal Judge, Family Court, Raipur by common order had dismissed the applications under order 6 rule 17 of CPC and under order 7 rule 14 (3) of CPC in Ex.CA No. xx.xxxin case No. xx.xxx. Copy of order dated xx.xx.xxxx passed by First Additional Principal Judge, Family Court, Raipur in Ex.CA No. xx.xxxin case No. xx.xxx is annexed herewith as **Annexure P-24.**

Being aggrieved from the order dated xx.xx.xxxx, the petitioner filed the writ petition xxx) No. xxxxxxxbefore the Hon'ble High Court of Judicature of Chhattisgarh at Bilaspur

xxxxxxx

The Hon'ble High Court of Judicature of Chhattisgarh at Bilaspur vide order dated xx.xx.xxxxin W.P. xxx) No. xx.xx.xxxx upholding the order dated xx.xx.xxxx passed by the First Additional Principal Judge, Family Court, Raipur rejecting the application as filed by the petitioner under order 6 rule 17 and under order 7 rule 14 (3) of CPC and dismissing the Writ Petition xxx) No. xx.xx.xxxx (Impugned order)

Hence the Special Leave Petition.

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

SPECIAL LEAVE PETITION (Civil) No. of 2015

In the matter of:

High Court In this Court

XXXXXXXXXXXXX
XXXXXXX

Also At

XXXX

Petitioner Petitioner

Versus

XXXXXXXXXXXXXXXXXXXX Respondent Respondent

In the matter of:- **PETITION UNDER ARTICLE 136 OF
CONSTITUTION OF INDIA AGAINST
THE JUDGMENT AND FINAL ORDER
DATED xx.xx.xxxxIN W.P. xxx) NO.
xx.xx.xxxx PASSED BY THE HON'BLE
HIGH COURT OF JUDICATURE OF
CHHATTISGARH AT BILASPUR**

To,

The Hon'ble Chief Justice of India and his
Companion Justices of the Supreme Court
of India at New Delhi.

The Humble petition of the
above-named petitioner.

Most Respectfully Showeth:

1. That the present petition has been filed under Article 136
of the Constitution of India seeking Special Leave to appe
al arising against the judgment and final order dated
xx.xx.xxxxin W.P. xxx) No. xx.xx.xxxx passed by the

Hon'ble High Court of Judicature of Chhattisgarh at Bilaspur thereby upholding the order dated xx.xx.xxxx passed by the First Additional Principal Judge, Family Court, Raipur rejecting the application as filed by the petitioner under order 6 rule 17 and under order 7 rule 14 (3) of CPC and dismissing the Writ Petition xxx) No. xx.xx.xxxx.

1A LPA/WPA not lies against the impugned order.

2. **QUESTION OF LAW:-**

The instant petition raises the following substantial question of law of public importance which has not been decided earlier by this Hon'ble Court.

- (a) Whether the amendment can be denied at the stage of cross examination of the respondent?
- (b) Whether the amendment can be allowed to prove the previous act of atrocities and cruelties committed by the wife on her first husband?
- (c) Whether the previous act of atrocities and cruelties committed on earlier husband is relevant to adjudicate upon the divorce petition filed by the second husband?
- (d) Whether the legal proceedings filed by the respondent against her previous husband are relevant and material for deciding the divorce petition filed by the petitioner against the respondent on the ground of cruelties ?

- (e) Whether the amendment can be allowed which is necessary for the just, fair, equitable and complete disposal of divorce petition ?
- (f) Whether the previous conduct of the wife with her earlier husband is relevant to establish the cruelties committed by her upon the second husband?

3. **DECLARATION IN TERMS OF RULE 4(2):-**

The petition states that no other petition seeking leave to appeal has been filed against the impugned judgment and final order dated xxxxxxxx passed by the Hon'ble High Court of Judicature of Chhattisgarh at Bilaspur in WP xxx) No. xx.xx.xxxx.

4. **DECLARATION IN TERMS OF RULE 6:-**

That Annexure-P-1 to P-26 filed with this Special Leave Petition are true copies of their respective originals and form part of record of the case in the court below against whose order the Leave to Appeal is sought in this petition.

5. **GROUND**

Leave to appeal is being sought, inter-alia, on the following grounds:-

- a. Because the Hon'ble Court below has totally failed to consider and appreciate the material facts that the petitioner has moved the application under order 6 rule

17 of CPC bonafidely, honestly and sincerely and for the just, fair and equitable disposal of the case on merits.

- b. Because the Hon'ble Court below has totally failed to consider and appreciate the material facts that the petitioner has filed the divorce petition on the ground of cruelties and atrocities and the petitioner through the application under order 6 rule 17 of CPC wants to bring the cruel and callous conduct of respondent with her previous husband, how she has misused and abuse the process of law to cause harassment and torture to her previous husband and the similar modus operandi has been adopted by the respondent in the case of the petitioner.
- c. Because the Hon'ble Court below has totally failed to consider and appreciate the material facts that the averment made in the application under order 6 rule 17 of CPC and the documentary evidence annexed therewith totally satisfied the conditions and ingredients for invoking the applicability of order 6 rule 17 of CPC.
- d. Because the Hon'ble Court below has totally failed to consider and appreciate the judicial precedent relied upon by the petitioner before the Additional Principal Judge, Family Court.
- e. Because the Hon'ble Court below has totally failed to consider and appreciate the material facts that the

amendment sought is necessary and material for deciding the petition of the petitioner in a effective and complete manner and to do the real and substantial justice between the parties and to avoid the multiplicity of the litigation over the same subject matter.

- f. Because the Hon'ble Court below has totally failed to consider and appreciate that fixing the matter at the stage of cross examination of the respondent does not disentitle the petitioner for moving the application under order 6 rule 17 of CPC and it can be moved at any stage before passing the judgment. If the amendment sought is necessary and desirable for the just, fair, equitable and effective decision case on merits and the amendment is sought bonafidely.
- g. Because the Hon'ble Court below has totally failed to consider that entire documentary evidence placed on record by the petitioner in respect of the litigations instituted by the respondent against her previous husband will give the exclusive conclusion and inference that the respondent is habitual of misusing and abusing the process of law and misusing the law relating to woman to create a pressure, force, coercion upon the petitioner to satisfy her wishes and desire and to cause harassment and torture to the petitioner herein.

- h. Because the Hon'ble Court below has totally failed to consider and appreciate the material facts that the respondent had written a letter dated xx.xx.xxxx to the counsel of her previous husband i.e. Xxxxxx intimating the divorce by mutual consent and she does not want to claim any maintenance or alimony from Xxxxxx when the Xxxxxx did not bow before the wishes and desire of the respondent then the respondent by misusing and abusing the process of law had filed the Memorandum of Divorce petition u/s 13 (1) (i-a) of HMA vide MC No. xxxxxxxx in the family court at Bangalore for dissolving the matter dated xx.xx.xxxx and she had also moved an application u/s 14 of Divorce Petition in the support of her main divorce petition.
- i. Because the Hon'ble Court below has totally failed to consider and appreciate the material facts that when her previous husband did not comply with her demands then on xxxxxxxx the respondent by misusing and abusing the process of law had filed the false, fabricated, manipulated and concocted proceedings u/s 125 Cr.P.C.
- j. Because the Hon'ble Court below has totally failed to consider and appreciate the material facts that the marriage between the respondent and her previous husband was solemnized on xx.xx.xxxx and whereas she had instituted the litigations on xx.xx.xxxx, this clearly

proves that the respondent was not having any intention to establish the matrimonial ties in the company of her previous husband and only to create a pressure, force and coercion upon her previous husband, the respondent by misusing and abusing of law had instituted the proceedings u/s 13 of HMA and u/s 125 Cr.P.C. and had also given a false, manipulated complaint dated xx.xx.xxxx to SHO, Civil Line, P.S. Raipur against her previous husband on the false, fabricated, manipulated allegations and averments.

- k. Because the Hon'ble Court below has totally failed to consider and appreciate the material facts that the written statement filed by her previous husband in the case No. xxxxxxxx u/s 125 Cr.P.C. clearly discloses the act of atrocities and cruelties committed by the respondent on her previous husband and this written statement dated xxxxxxxx was totally ignored by the Hon'ble Court below.
- l. Because the Hon'ble Court below has totally failed to consider and appreciate the material facts that the contents of the objections statement dated xx.xx.xxxx of the previous husband of the respondent namely Xxxxxx filed in MC No. xxxxxxxx in the family court at Bangalore which reflect the cruel and callous conduct on the part of the respondent.

- m. Because the Hon'ble Court below has totally failed to consider and appreciate the material facts that the respondent has given the false complaint against her previous husband to SI, R.T. Nagar, Bangalore and also the complaint dated xx.xx.xxxx against her previous husband.
- n. Because the Hon'ble Court below has totally failed to consider and appreciate the material facts that the divorce petition dated xxxxxxxx instituted by the respondent against her previous husband by misusing and abusing the process of law and the same was instituted before the Additional District Judge, Raipur with sole malafide intention to cause mental torture, pain agony, suffering, set back and harassment to her previous husband, whereas on the earlier occasions she has filed the divorce petition before the family court, Bangalore, this clearly proves that the respondent is continuously misusing and abusing the process of law with sole intention to cause harassment, mental torture, atrocities to her previous husband as well as petitioner herein.
- o. Because the Hon'ble Court below has totally failed to consider and appreciate the material facts that the respondent by misusing and abusing the process of law had filed a false, fabricated, manipulated proceedings u/s

125 Cr.P.C. against her previous husband and reply filed by the previous husband in the aforesaid proceedings clearly disclosed the cruel and callous conduct on the part of the respondent.

- p. Because the Hon'ble Court below has totally failed to consider and appreciate the material facts that on xxxxxxxx, the respondent dishonestly, fraudulently and maliciously with sole malafide intention to harass her previous husband had given the false, fabricated, manipulated complaint before to SHO, Civil Line, P.S. Raipur.
- q. Because the Hon'ble Court below has totally failed to consider and appreciate the material facts that the respondent had initially instituted the divorce petition at family court Bangalore and later on she had filed the divorce petition at Raipur with sole dishonest and fraudulent intention to harass her previous husband and it is evident from the order sheet of the family court at Bangalore.
- r. Because the Hon'ble Court below has totally failed to consider the representation dated xx.xx.xxxx addressed by the respondent to the SHO, New Rajinder Nagar, Raipur in which she had disclosed the fact that she is having the intention to live separately from the petitioner herein and wants to take the divorce from the petitioner

herein and she will present the divorce petition in the competent court in due course and for the honour of her husband, she is transferring the ownership right in respect of property No. xxxxxxxx and her husband had deposited the money in Allahabad Bank in her name and for withdrawal of the same she is giving the two cheques and the petitioner may withdraw the amount and the respondent had further stated that she is taking away her entire articles and daughter with her and she will maintain and care her daughter and she had given the representation without any fear voluntarily and in the sound state of mind and shall not claim any objections in respect of this letter and this material piece of evidence and the cheque was totally ignored by the Hon'ble Court.

- s. Because the Hon'ble Court below has totally failed to consider and appreciate the material facts that the respondent had written a letter dated xx.xx.xxxx to SHO, Bodha Pura, Raipur, Chhattisgarh stating therein that on xxxxxxxx, she had made a complaint against her husband under emotion and misunderstanding and she is regretful for the same and she does not want any action on that complaint and want to take back her complaint and she is writing this letter without any fear voluntarily and in the sound state of mind and also stated that she will not raise any claim or objections regarding this

representation and in this manner, the Hon'ble Court below has committed the gross error of law on the face of the records by ignoring this material piece of evidence, hence the order has caused miscarriage and failure of justice.

- t. Because the Hon'ble Court below has totally failed to consider and appreciate the complaint dated xx.xx.xxxx addressed to Superintendent of Police regarding taking the complaint back and not for taking any action on her complaint and in that complaint, the respondent has categorically stated that on xxxxxxxx under the emotion and misunderstanding, she had lodged a complaint against her husband with local woman police station and she does not want any action on her complaint and she had also intimated on xx.xx.xxxx to SHO, Raipur Mahila Police Station.
- u. Because the Hon'ble Court below has totally ignored the complaint dated xx.xx.xxxx written by the respondent to SHO, P.S. Bodhapara, Raipur, Chhattisgarh intimating that on xxxxxxxx under the emotion and misunderstanding she had given a complaint against her husband for which she is regretted and does not want any action and living happily with her husband and the said complaint was duly acknowledge and received by the police officials.

- v. Because the Hon'ble Court below has totally failed to ignore the complaint dated xx.xx.xxxx sent by the petitioner to the SHO, P. S. New Rajinder Nagar in which the petitioner has categorically stated that the respondent is voluntarily living separately from him and today 10 a.m. she had forcibly enter in her house and started giving filthy language against the petitioner and giving the threat she does not afraid of law and also gives the abusive language of mother and sister and caught hold his collar and stated that she pertains to Jharkhand and will throw the acid on the petitioner and said the petitioner on ablaze and father was standing outside and when he entered the house he also started causing beating to the petitioner. The respondent had also given the threat that today she has come with her father and next time her associates will come and on her indications, they will liquidate the life of the petitioner and no body able to trace out the dead body of the petitioner and the respondent had caused substantial damage to the back light of the petitioner. This complaint clearly disclosed the act of atrocities and cruelties committed by the respondent upon the petitioner.
- w. Because the Hon'ble Court below has totally failed to consider and appreciate the material facts that the respondent had given the false, fabricated, manipulated,

concocted and vexatious complaint resting absolutely upon falsity against the petitioner herein to the SHO, P.S. New Rajender Nagar, Raipur and the Hon'ble Court below has totally failed to consider this material documents.

- x. Because the Hon'ble Court below has not apply its mind judiciously and properly on the documents filed by the petitioner in support of his application and totally failed to consider and appreciate the material fact that documents relied upon by the petitioner was material and substantive to prove and establish the case of cruelty against the respondent herein and further totally failed to considered that principle of natural justice demands that all the material facts and documents should be placed on judicial record before the Ld. Trial Court so that all the material in issue between the parties may be adjudicated efficaciously, effectively and completely and in a just, fair and equitable manner.
- y. Because the Hon'ble Court below has totally failed to consider and appreciate the material facts that the petitioner had satisfied all the conditions and ingredients for invoking the applicability of order 7 rule 14 (3) of CPC.
- z. Because the Hon'ble Court below has taken away the substantive and material right of the petitioner to place

all the material and evidence before the Ld. Trial Court for the just and equitable disposal of the petition.

- aa. Because the Hon'ble Court below has failed to exercised its judicial discretion judiciously and properly as per the letter and spirit of provisions of order 6 rule 17 of CPC as well as according to the provisions of order 7 rule 14 (3) of CPC and totally ignored the letter and spirit and intentions of the legislature as enshrined in this order and the Hon'ble Court below has acted contrary to the principle of natural justice, equity, fair play in action did not exercise its jurisdiction properly and has caused grave miscarriage and failure of justice to the petitioner and the injuries suffered by the petitioner cannot be compensated in terms of money.
- bb. Because the Hon'ble Court below has not given any reason why the decision relied upon by the petitioner is not applicable in the given facts and circumstances of the case and no ground and material has been disclosed by the Hon'ble Court below in discarding the judicial precedents relied upon by the petitioner herein.
- cc. Because the Hon'ble Court below has totally failed to consider and appreciate the judicial precedents given by this Hon'ble Court in respect of order 6 rule 17 of CPC laid down by various catena of decisions as mentioned in the judgment titled as Revajeetu Builders & Developers

Vs. Narayanaswamy & Sons (2009) 10 SCC 84 Supreme Court laid down the factors to be taken into consideration while dealing with applications for amendment as under:

- (i) Whether the amendment sought is imperative for proper and effective adjudication of the case;
- (ii) whether the application for amendment is bonafide or malafide;
- (iii) the amendment should not cause such prejudice to the other side which cannot be compensated adequately in terms of money;
- (iv) refusing amendment would in fact lead to injustice or lead to multiple litigation;
- (v) whether the proposed amendment constitutionally or fundamentally changes the nature and character of the case; and
- (vi) as a general rule, the Court should decline amendments if a fresh suit on the amended claims would be barred by limitation on the date of application.”

dd. Because the Hon'ble Court below has totally failed to consider and appreciate the material facts that through the amendments and documents, the petitioner wants to prove the continuous act of cruelties and atrocities committed by the respondent upon the petitioner and to prove and establish the fact that the respondent is in

habit of continuous misusing and abusing the process of law and making the false and vexatious complaint.

6. **GROUND FOR INTERIM RELIEF**

The matter is fixed before the 1st Additional Principal Judge Family Court, Raipur Chhattisgarh for cross examination of the respondent on xxxxxxxx. The Petitioner has a good prima-facie case and the balance of interest also lies in his favour and in case the interim relief is not granted, the petitioner will suffer irreparable loss.

7. **MAIN PRAYER:-**

In the facts and circumstances of the case and in the interest of justice, it is most respectfully prayed that your Lordships may graciously be pleased to:-

- a) Grant special leave to appeal against the judgment and final order dated xx.xx.xxxxin W.P. xxx) No. xx.xx.xxxx passed by the Hon'ble High Court of Judicature of Chhattisgarh at Bilaspur;
- b) Set aside the judgment and final order dated xx.xx.xxxxin W.P. xxx) No. xx.xx.xxxx passed by the Hon'ble High Court of Judicature of Chhattisgarh at Bilaspur and thereby allowing the writ petition of the

petitioner and set aside the order dated xx.xx.xxxx passed on the application under order 6 rule 17 of CPC dated xx.xx.xxxx and application under order 7 rule 14 (3) of CPC dated xx.xx.xxxx passed in HMA case No. xx.xx.xxxx titled as xxxxxxxxxxxxxxxx pending in the court of 1st Additional Principal Judge, Family Court, Raipur, Chhattisgarh and allow the aforesaid applications.

- c) May pass such further order (s) as this Hon'ble Court may deem fit and proper in the facts and circumstances of this case.

8. **PRAYER FOR INTERIM RELIEF**

In the facts and circumstances of the case and in the interest of justice, it is most respectfully prayed that your Lordships may graciously be pleased to:-

- a) Stay the proceedings in HMA case No.xx.xx.xxxx titled as xxxxxxxxxxxxxxxxxxxxxxxx pending in the court of 1st Additional Principal Judge, Family Court, Raipur, Chhattisgarh till the final disposal of the present Special Leave Petition.
- b) pass such other order or orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of this case.

New Delhi
Dated

Filed by:

Advocate for the petitioner

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

SPECIAL LEAVE PETITION (CIVIL) NO. _____ OF 2015

In the matter of:

SH. XXXXXXXXXXXX PETITIONER
VERSUS

SMT. XXXXXXXXXXXX RESPONDENT

AFFIDAVIT

I, XXXXXXXXXXXX S/o Sh. xxxxxxxxxxxx, aged about ____ years R/o xxxxxxxxxxxx, do hereby solemnly affirm and declare as under:

1. That I am the petitioner in the above noted Special Leave Petition and am well acquainted with the facts and circumstances of the case and am competent to swear this affidavit.
2. That the accompanying List of Dates from page B to , Special Leave Petition runs from page to which contains para 1 to , I.A. application for exemption from filing official English Translation from page to and Annexures from page to have been drafted on my instructions and facts stated therein are true to my knowledge derived from the records of the case.

3. That the contents of the Special Leave Petition has been read over to me in Hindi and I understood the same.
4. That annexures to the Special Leave Petition are true copies of their respective originals. That nothing is false and no material has been concealed therefrom.

DEPONENT

VERIFICATION

Verified at Delhi on this ___ day of June, 2015 that the contents of my above affidavit are true and correct to knowledge, no part of it is false and nothing material has been concealed therefrom.

DEPONENT

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

SPECIAL LEAVE PETITION (CIVIL) NO. _____ OF 2015

In the matter of:

SH. XXXXXXXXXXXX PETITIONER
VERSUS

SMT. XXXXXXXXXXXXXXXX RESPONDENT

CERTIFICATE

Certified that the Special Leave Petition is confined only to the pleadings before the court whose order is challenged and the document relied upon in those proceedings. No additional facts, documents or ground have been taken or relied upon in the Special Leave Petition. It is further certified that the copies of the documents/annexures attached to the Special Leave Petition are necessary to answer the questions of law raised in the petition or to make out grounds urged in the special leave petition for the consideration of the Hon'ble Court. This certificate is given on the basis of the instructions given by the petitioner authorized by the petitioner whose affidavit is filed in support of the SLP.

New Delhi
Dated

Filed by:

Advocate for the petitioner

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

I.A. No. _____ OF 2015
IN
SPECIAL LEAVE PETITION (Crl.) No. _____ of 2015

In the matter of:

SH. XXXXXXXXXXXX PETITIONER
VERSUS

SMT. XXXXXXXXXXXX
RESPONDENT

In the matter of: **An application for exemption from
filing official English Translation.**

To,

The Hon'ble Chief Justice of India and His
Companion Justices of the Supreme Court
Of India at New Delhi.

The Humble petition of the
above-named petitioner.

Most Respectfully Showeth as under:

1. That the present petition has been filed under Article 136 of the Constitution of India seeking Special Leave to appeal arising against the judgment and final order dated xx.xx.xxxxin W.P. xxx) No. xx.xx.xxxx passed by the Hon'ble High Court of Judicature of Chhattisgarh at

Bilaspur thereby upholding the order dated xx.xx.xxxx passed by the First Additional Principal Judge, Family Court, Raipur rejecting the application as filed by the petitioner under order 6 rule 17 and under order 7 rule 14 (3) of CPC and dismissing the Writ Petition xxx) No. xx.xx.xxxx

2. That the petitioners have set out the facts and circumstances of the case in the accompanying special leave petition which is not repeated here for the sake of brevity. The petitioners crave leave of this Hon'ble Court to refer to and rely upon the same for disposal of the present application.
3. That in view of urgency the petitioner has not filed the official English translation of the Annexure P- ____ to ____ and is filing the true English translation of the same and crave leave of this Hon'ble Court to refer to and rely upon the same for disposal of the present Special Leave Petition.
4. That it would be in the interest of justice that the petitioner may be exempted to file official English Translation of the above mentioned documents.

PRAYER

In the facts and circumstances of the case and in the interest of justice, it is most respectfully prayed that your Lordships may graciously be pleased to:-

- a) Exempt the petitioner from filing official English translations of Annexure P-_____ to P-_____ and may further be pleased to refer to and rely upon the true English translation of the same for disposal of the present special leave petition; and
- b) pass such further order or orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of this case.

AND FOR THIS THE PETITIONER SHALL EVERY PRAY.

New Delhi
Dated

Filed by:

Advocate for the petitioner