

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

313

CR-3370-2025

Date of decision : 28.08.2025

Akhil Kochhar**..... Appellant****versus****Mehak Kochhar****..... Respondent****CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN**

Present: Mr. B.B.S. Sobti, Advocate
for the petitioner (through V.C.).

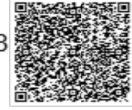
Mr. Manuj Nagrath, Advocate
for the respondent.

PANKAJ JAIN, J. (Oral)

1. The present revision petition is directed against order dated 29.04.2025 passed by Additional Principal Judge, Family Court, Ludhiana whereby application filed under Order VI Rule 17 read with Section 151 CPC by the petitioner seeking amendment of the petition filed under Section 13 of the Hindu Marriage Act read with Section 10 of the Family Court Act, 1984 stands dismissed.

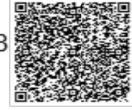
2. Petitioner who is before the Family Court seeking annulment of marriage, moved application under Order VI Rule 17 CPC to amend the petition to incorporate the following paragraphs:-

“9A That during the pendency of the above said petition, the petitioner moved two applications, one under order 11 Rule 1 of CPC for serving the interrogatories on the respondent. The respondent was called to file the reply to the same. The reply to the same was filed not directly by the respondent but through her counsel or father so called attorney and was ultimately declined by this Hon'ble Court. The



petitioner had also bonafidely filed an application under Section 23 (2) of the Hindu Marriage Act for procuring the presence of both the spouses in the court so as to make earnest efforts for reconciliation of the parties to marriage. The said application was also opposed. The reconciliation was also opposed and ruled out by the respondent and while replying to the said application, it was admitted by the respondent through her reply to the said application that the respondent is in U.K. and is pursuing her M.B.A over there and is not in position to come back and it was falsely stated that she had gone there with the financial support of her father. As a matter of fact, she had raised loans from the bank to permanently settle in U.K. and she had gone there without information, consent or permission of the petitioner. She has not even left her contact or correspondence address with the petitioner, despite the fact that she is the legal wedded wife of the petitioner. All this has been done by her to permanently abandon the matrimonial tie, as she is no more interested in settling down in the marriage. As such for her this matrimonial alliance does not exist at all and she is just dragging the petitioner to extract money from him by arm twisting the petitioner and his entire family members and as such this act of the respondent besides being an act of utmost cruelty to the petitioner also amounts to deserting and abandoning the matrimonial alliance forever. As such it itself is a ground for dissolving the present marriage, as the respondent voluntarily has abandoned the marriage for all intents and purposes.

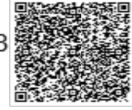
9B. That the respondent is fighting a proxy battle through her father and through the said battle, she is trying to involve the entire family members of the petitioner in criminal litigation and in this attempt she got filed an application under Section 319 of Cr. P.C. seeking the summoning of entire family members as additional accused in a case titled "State Versus Akhil Kochhar in FIR No.76 dated 27.03.2019 under Section 406, 498-A of IPC, P.S. Women Cell, Ludhiana through the said application, his elder brother Ankit Kochhar and his wife Sheena Kochhar, also both the parents of the petitioner namely Ashwani Kochhar and Arpana Kochhar were sought to be summoned. The allegations in the



application were utmost ugly and cruel and the entire family members of the petitioner who were named in the application under Section 319 of Cr. P.C. were kept on tenterhooks and in the constant fear of false criminal prosecution at the instance of the respondent. However, the court of Sh. Taranjit Singh Simra, LD. JMIC, Ludhiana found no substance in the said application to summon all the family members of the petitioner and thus finding the application to be false, was dismissed by the said court vide order dated 14.08.2024, the copy of the said order is placed on the record and the said act of the respondent by making a false attempt to rope in the entire family members of the petitioner in a criminal case falsely is an act of gravest cruelty not only on the petitioner but also on the entire family and giving a direct cause to the petitioner to believe that with such act of cruelty, he cannot be expected to live in the company of the respondent as his wife and thus is entitled to get this marriage dissolved on this ground besides the other grounds mentioned in the petition.”

3. The Family Court has rejected the application filed by petitioner referring to the conduct of the petitioner to prolonged proceedings.

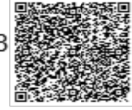
4. Mr. Sobti, learned counsel for the petitioner has assailed the impugned order claiming that by way of proposed amendment, the petitioner wants to incorporate subsequent events and the same do not change the nature of proceedings. The Family Court erred in dismissing the application filed by the petitioner referring to the stage of the proceedings. He submits that as per settled law, the averments which are necessary for the proper adjudication of the matter, can be incorporated at any stage. He thus prays for setting aside of the order passed by the Family Court and prays for allowing the application filed by the petitioner seeking amendment of the petition under Section 13 of Hindu Marriage Act.



5. *Per contra*, Mr. Nagrath submits that bare perusal of the proposed amendment itself reveals that none of the pleadings sought to be incorporated by way of amendment, is required for the adjudication of the matter. He submits that the conduct of the petitioner has been unveiled by the Family Court in the impugned order which shows that the intent of the petitioner in moving the present application is just to linger on the proceedings.

6. I have heard counsel for the parties and have carefully gone through the records of the case.

7. The main petition under Section 13 of the Hindu Marriage Act was instituted by the present petitioner on 19.03.2019. Respondent appeared on 09.05.2019 and filed application under Section 24 of the Hindu Marriage Act seeking maintenance *pendente lite* on 21.08.2019. The issues were framed on 10.11.2022. Since then the matter is pending for the evidence of the petitioner, he was granted last opportunity to lead his entire evidence on 11.02.2025. On the said date, the petitioner moved the present application. A perusal of the proposed amendments would reveal that para 9A sought to be incorporated, is based upon the proceedings in the present petition and is thus, already before Family Court being matter of records. The pleadings raised in para 9B relate to proceedings in FIR No. 76 dated 27.03.2019 registered against the present petitioner for offences punishable under Sections 406, 498-A, IPC at Police Station Women Cell, Ludhiana registered on the statement made by respondent-wife. He wants to rely upon averments made in the application filed under Section 319 Cr.PC.



8. In the considered opinion of this Court, none of the proposed amendments can be said to be necessary for the adjudication of the present proceedings under Section 13 of the Hindu Marriage Act. The application was moved only with an intent to avoid the last opportunity to lead entire evidence as ordered by the Family Court.

9. In view of above, findings no merit in the present revision petition, the same is ordered to be dismissed.

10. Needless to observe herein nothing stated hereinabove in the present order or the impugned order passed by the Family Court shall effect the merits of the main case.

11. Order accordingly.

(PANKAJ JAIN)
JUDGE

28.08.2025

Dinesh

Whether speaking/reasoned : Yes

Whether Reportable : No