

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL WRIT PETITION NO. 61 OF 2015

Sau. Priyanka Uday Ahirrao,
Age: 27 years, Occ: Service,
R/o. Plot No.40, Govind Nagar,
Shahada, Tq. Shahada,
Dist. Nandurbar & anr.

...Petitioners

versus

Shri. Uday Kisanrao Ahirrao,
Age: 35 years, Occ: Service,
R/o. Purushottam Nagar,
Tq. Shahada, Dist. Nandurbar
At present:
R/o. C/o. Shri. Sanjay Dhanaji Bedse,
Katraj, Ambegaon Pathar, Near
Sacchaimata Mandir, Pune,
Dist. Pune.

...Respondent

.....

Mr. A.S. Savale, Advocate for petitioner
Mr. G.D. Jain, Advocate for respondent No.1

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CORAM : N.W. SAMBRE, J.

DATE : 14th SEPTEMBER, 2015

ORAL ORDER :

During the cross examination in the maintenance proceedings, the husband has put leading question which was objected by the claimant wife wherein she has claimed maintenance for herself and her minor child. In view of her independent source of earning, her claim for maintenance was disallowed, however, the claim remained to the extent of entitlement of the minor child. In the

said proceeding, leading question was asked as to whether, the claimant applicant-wife has suppressed her status as that of married with an issue at the time of submission of employment form for giving her employment during recording of her cross-examination.

2. In my opinion, the said question will be of hardly any assistance for deciding the issue as it is not open for the husband to assail the character of lady claimant qua her application/candidature of employment. Apart from the fact that the same is, in my opinion, is not permissible within the scheme of Chapter-10 of the Evidence Act.

3. As such, the objection raised by the present applicant, to the said question, in my opinion, is required to be sustained and the said question needs to be disallowed, which the respondent-husband will not be entitled to put directly or indirectly.

4. The petition stands allowed in above terms.

[N.W. SAMBRE, J.]