

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.12312 OF 2015

Shri Ranjit Jaywantrao Jadhav.] ... Petitioner

Versus

Sou. Shubhada Ranjit Jadhav.] ... Respondent

Mr. Anand S. Patil for Petitioner.

CORAM :- M. S. SONAK, J.
DATE :- DECEMBER 09, 2015

P. C. :-

1. **Not on board. Upon production, taken on board.**

2. The challenge in this petition is to the order dated 28/07/2015, the operative portion of which reads thus :-

“1. *Application is allowed.*

2. *Opponent is hereby directed to produce documents mentioned in Exh.23 regarding his income. If opponent does not have any document then he is directed to make declaration on oath to that effect.”*

3. Mr. Anand S. Patil, learned Counsel for petitioner, contends that since the respondent had claimed maintenance, it is for the respondent to produce evidence, on all aspects which will entitle her to claim maintenance. Mr. Patil states that some documents have already been produced by the petitioner and therefore no order could have been made requiring the petitioner to produce any further documents. The submissions of Mr. Patil cannot be accepted. We are dealing with provisions of Section 125 of Code of Criminal Procedure, 1973 (Cr.P.C.) which are summary in nature. Secondly, it is the duty of every party to produce the relevant documents on record notwithstanding the circumstance that such document may assist the case of the other party. Ultimately, the Court taking up proceedings under Section 125 of Cr.P.C. is required to determine the payment capacity of the spouse and for this purpose, if the Court is of the opinion that the spouse should produce certain documents with regard to his employment details and financial capacity, it can hardly be said that such an order is in excess of jurisdiction.

4. In this case, if the impugned order is perused, the Family Court has adopted a fair approach. The impugned order states that in case the petitioner does not have any of the documents which he is directed to produce, then he can make a declaration on oath to that effect. This takes care of the petitioner's apprehension or contention that he has been forced to produce the documents which he does not possess.

5. There is no reason to interfere with the impugned order. This petition is dismissed.

6. Considering that the main proceedings pending before the Family Court are of the year 2014, the Family Court is requested to dispose of the same as expeditiously as possible.

7. The petitioner is directed to place authenticated copy of this order before the Family Court on the next date of hearing.

(M. S. SONAK, J.)