

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 11342 OF 2014

Bhalchandra Dattatram Korgaonkar

.....Petitioner

: V/S :

Chitra Vasant Shirsat

.....Respondent

\* \* \* \* \*

Mr. Bhalchandra Korgaonkar, petitioner present in person.

Mr. Sahil Mahajan, Advocate for the respondent.

\* \* \* \* \*

**Coram :- Smt. R.P. SondurBaldota, J.**

**18<sup>th</sup> March, 2015.**

**P.C. :-**

1). This petition arises out of the order dated 18<sup>th</sup> November, 2014 passed by the Family Court, Mumbai on the application at Exhibit-293 filed by the petitioner, husband for issue of summons to the witnesses. The request of the petitioner was for summoning 8 witnesses. By the impugned order, the Family Court was inclined to issue summons to only one witness.

2). According to the petitioner, in his application at Exhibit-293 he has set out the reasons for examining the witnesses mentioned in the application. The first two witness are the Companies with whom the

respondent was working. It is the petitioner's own case that, she is presently working with Chairman, Krishnasagar Society in respect of whom, the application has been allowed by the Family Court. Since the first two witnesses relate to the erstwhile employers of the respondent and the documents produced in respect thereof have already been admitted in evidence, there is no need to examine any person from the two companies.

3). As regards the third witness i.e. Company by name C.J. Shah & Co., the petitioner has produced two salary slips issued by the Company to the respondent. The respondent admits only part of the contents of the salary slips i.e. the amount of salary and break-up of the salary mentioned therein. She has raised dispute about her attendance mentioned in the salary slips. The petitioner submits that the attendance of the respondent in the office is a circumstance relevant to one of the acts of cruelty alleged in the petition for divorce. In these circumstances of the case, the petitioner must get an opportunity to examine the concerned person from the Company. The next witness is one, Vijay Kadam a police officer. It is the case of the petitioner that, his complaint to the police was registered as non-cognizable complaint. At that time, the witness had informed the respondent about filing of the petition for divorce. Since that knowledge is disputed by the respondent, the

petitioner desires to examine the witness. He must get an opportunity to do so.

4). The next witness is another Police Officer, Balasaheb Khadye who has recorded the statement of the respondent. That statement has already been produced in evidence. Therefore, this witness need not be examined. The remaining two witnesses are the persons to whom the respondent has allegedly been talking at odd hours. The petitioner has obtained the number of these two witnesses from the service provider of the mobile used by the respondent. For the purpose of establishing the allegations made by the petitioner, it is not necessary to examine the persons to whom the respondent was allegedly talking at odd hours. Therefore, these witnesses are not relevant for establishing the incident alleged in the petition. The petition is therefore partly allowed. The application is allowed in respect of the witnesses, C.J. Shah & Co. and witness, Vijay Kadam.

**(SMT. R.P. SONDURBALDOTA, J)**