

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 435 OF 2016

SHRI. P. GIRIDHAR, THR. SHRI. P.
PANDURAGA RAO.

... Petitioner

Versus

SMT. USHA RADHIKA.

... Respondent

Ms. Asha A. Desai, Advocate for the Petitioner.

Coram:- C. V. BHADANG, J.

Date:- 28th June, 2016

ORAL ORDER:

Heard the learned Counsel for the petitioner. The petitioner (respondent before the trial Court) is challenging the order dated 17.03.2016 passed by the learned Senior Civil Judge at Vasco-da-Gama, Goa, in Marriage Petition No. 12/2008/B. By the impugned order, the application (Exhibit-127) filed by the petitioner herein for direction to the BSNL authority to produce the IP address and location under internet ID 61-1-72-114, has been dismissed.

2. The brief facts are that the respondent-wife has filed a petition for dissolution of marriage against the petitioner on the ground of cruelty and desertion. The petitioner herein is, inter-alia, contending that although, the marriage is not yet dissolved by a decree of divorce, the respondent is using fake IP address in the name of her father, where she is professing to be a divorcee, looking for a match. In order to establish the same, the petitioner wants the BSNL authority to

produce the IP address as aforesaid. The learned trial Court found that the said IP address is not relevant in the context of the controversy involved.

3. Ms. Desai, learned Counsel for the petitioner pointed out that earlier the petitioner was permitted to obtain the details under R.T.I. Act, however, the concerned authority has refused to divulge the information, for the reason that the same cannot be supplied unless, there is an order of the competent Court. She submits that in such circumstances, the application ought to have been allowed.

4. I have considered the circumstances and the submissions made and I do not find that any case for interference is made out.

5. The only issue that arises in the matrimonial petition is as to whether the respondent has been deserted or has been treated with cruelty by the petitioner. It is evident that as the respondent has filed a petition for dissolution of marriage, it is for the respondent to establish that she has been deserted by the petitioner and that she has been treated with cruelty, for getting the decree of dissolution of marriage. Moreover, there is no case made out in the application about the alleged claim by the respondent wherein she is professing to be a divorcee and is looking for a match, by using the fake IP address in the name of her father.

6. Thus, the impugned order does not exhibit any jurisdiction error, so as to invite interference. The Writ Petition is without any merit and is accordingly dismissed.

C. V. BHADANG, J.

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