

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7459 OF 2016

Smt. Neeta Bhaskar Dey

.....Petitioner

V/s.

Mr. Bhaskar Gorachand Dey

.....Respondent

* * * * *

Mr. Vinod N. Tayade, Advocate for the petitioner.

None for the respondent.

CORAM :- SMT. R.P. SONDURBALDOTA, J.

DATED :- 5TH JULY, 2016.

P.C. :-

1). This petition challenges the order dated 17th June, 2016 passed by the trial Court on the application at Exhibit-28 filed by the petitioner, wife.

2). It is the allegation of the petitioner that, the respondent husband is having extra marital affair and has been making calls over his mobile phone to the lady with whom he is having an affair. By Exhibit-28, she sought a direction to Vodafone Company for providing certified copies of call details/call list alongwith Signal Tower, locations in respect of two mobile numbers in the name of

the respondent for the calls made during the period August, 2014 to November, 2015. The trial Court rejected the application essentially on the ground that, it is necessary for the petitioner to bring in her own evidence by examining witnesses and producing other documentary evidence. The Court expressed opinion that, if the application is allowed, it will cause serious prejudice to the Company who is a third party to the proceedings.

3). I find no infirmity whatsoever with the impugned order. If the petitioner alleges that the respondent is having an extra-marital affair with a lady, it is for her to bring in the necessary evidence to establish the fact. She cannot be permitted to collect evidence through the machinery of the Court. Hence, the petition is dismissed.

(SMT. R.P. SONDURBALDOTA, J)