

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 145 of 2017**

- Sushil Sharma S/o Jagdish Sharma, Aged About 36 Years Occupation Business, R/o Flat No. B- 2 Prestige Apartments, Near Jaika Motors, Civil Lines, Nagpur 440001

---- Petitioner**Versus**

- Archana Sharma W/o Sushil Sharma, Aged About 30 Years Occupation Teacher, R/o D M Q No. 10, Gurdwara Road, Bishrampur 497226 Chhattisgarh
- Ashita, D/o Archana Sharma, Aged About 3 Years Occupation Nil, Through Her Natural Guardian Mother Respondent 1, R/o D M Q No. 10 Gurdwara Road, Bishrampur 497226 Chhattisgarh

---- Respondents

For Petitioners : Shri Sachin Katarpawar, Advocate

Hon'ble Shri Justice Sanjay Agrawal**Order On Board****03/02/2017**

1. Heard on admission.
2. This petition filed under Section 482 of the Code of Criminal Procedure, 1973 (for short, Cr.P.C.) is questioning the order dated 16.12.2016 passed by the Judge, Family Court, Manendragarh, Distt. Korea (C.G.) whereby the application submitted by the petitioner/husband under Section 91 of the Cr.P.C. read with Section 10 (3) of the Family Courts Act, 1984 has been rejected.
3. Learned counsel for the petitioner submits that the order impugned refusing his application for summoning the documents is not sustainable in the eye of law. It is submitted further that the documents, as mentioned in the application, are essential for just and proper adjudication of the matter, and therefore, the Family

Court erred in rejecting the application.

4. I have heard learned counsel for the petitioner and perused the carefully.

5. On perusal of the record, it is clear that a proceeding under Section 125 of the Cr.P.C. has been initiated by the respondent No.1 – Archana Sharma and her evidence as well as the evidence of the husband was also closed. The order impugned further shows that after rejection of his application, the Family Court has fixed the case for final hearing on 13.01.2017. It is pointed out by the learned counsel for the petitioner that Presiding Officer was on leave, and therefore, the matter has been adjourned for 07.02.2017 for final arguments. The application, as submitted by the petitioner, would show that the petitioner has prayed for summoning of certain documents, as mentioned at para – 9 of his application. According to the petitioner, the said documents are relevant because the wife, in her examination, denied that she is working in Carmel Convent School at Bishrampur.

6. This is a case where the husband's evidence was closed and the matter was fixed for final arguments, and therefore, at this stage, it is not necessary to call for those documents, just in order to fill up the lacuna by the petitioner/husband.

7. Consequently, the petition is devoid of merit and is hereby dismissed at the admission stage.

Sd/-

(Sanjay Agrawal)
Judge