

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Cr.M.P. No.625 of 2017**

Golaram Dulhani S/o Late Sadharam Dulhani Aged About 53 Years
R/o Prabhulal Ramani, Shahani Street 7, Behind Speaker House, Near
Railway Crossing, Shankar Nagar, District - Raipur, Chhattisgarh

---- Petitioner**Versus**

1. Smt. Kavita Dulhani W/o Shri Golaram Dulhani Aged About 52 Years R/o Mahaveer Nagar, Near Anmol Super Bazar, Raipur, Chhattisgarh
2. Hema Durlhani D/o Shri Golaram Dulhani Aged About 21 Years R/o Mahaveer Nagar, Near Anmol Super Bazar, Raipur, Chhattisgarh

--- Respondents

For Petitioner : Mr. Raza Ali, Advocate

Hon'ble Shri Justice Sanjay K. Agrawal
Order On Board

18/05/2017

(1) In an application under Section 125 of the Code of Criminal Procedure for maintenance filed by the respondents No.1 & 2 herein before the Family Court, Raipur in which the petitioner filed an application under Section 91 of CrPC for production of documents possessed by the respondent No.1 namely income tax return and other related documents, which has been rejected by the Family Court, by its impugned order dated 22.03.2017 in Case No.461/2015 against which, this petition under Section 482 of CrPC has been filed by the petitioner herein.

(2) Learned counsel appearing for the petitioner would submit that unless the documents of the respondent No.1 namely income tax return and other relevant documents, he will not be able to prove that the respondent No.1 is able to maintain herself and the said documents are necessary for the proper adjudication of the matter, therefore, the impugned order deserves to be set aside.

(3) I have heard learned counsel for the petitioner and perused the impugned order with utmost circumspection.

(4) After hearing learned counsel for the petitioner and after perusing the impugned order, I do not find any merit in this petition. The petitioner having taken a stand with regard to income of respondents is required to establish that the respondents having sufficient income and are able to maintain themselves and he cannot compel the respondent No.1 to produce the documents relating to her income tax return. The sufficient and valid reasons have been assigned by the trial Court in rejecting the application under Section 91 of CrPC in which I do not find any jurisdictional error in the impugned order.

(5) Consequently, the petition deserves to be and is accordingly dismissed.

Sd/-

(Sanjay K. Agrawal)
Judge

L/-