

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

947 CRIMINAL APPLICATION NO. 2088 OF 2017

NAVNATH S/O. MADHAV PATNE
VERSUS
DEEPALI W/O. NAVNATH PATNE AND ANR

Shilpa L. Awchar, Advocate, for applicant.

Coram: T.V. NALAWADE, J.

Date: 28 April 2017

ORDER:

1) The application is filed to challenge the order made by the learned Judicial Magistrate dated 8-3-2017 in Criminal Misc. Application No.410/2016 presently pending in the Court of the Judicial Magistrate, First Class Aurangabad. The proceeding is filed under the Protection of Women from Domestic Violence Act by the respondent Deepali against the present petitioner.

2) It appears that she has filed affidavit in respect of her case and it is to the effect that she has no source of income. She has claimed interim maintenance in the

proceeding along with other reliefs under the Act. It appears that subsequently it was brought to the notice of the Court that the Deepali is gainfully employed and she is appointed on one post in the Office of the Commissioner of Police Aurangabad. In view of these circumstances, the learned Magistrate made order against Deepali and asked her to produce record with regard to her salary. She produced copy of appointment order dated 10-10-2016 to show that she was given appointment on compassionate ground on the post of Clerk/Typist on regular pay. It appears that copy of salary certificate is also produced. It is the grievance of the petitioner-husband that photo copies of these documents are produced and production of these documents is allowed by the Magistrate. Though it is true that it is upto the wife to show her exact income, when the record of aforesaid nature is produced it cannot be said that this record is false. For interim relief this record can be considered and that consideration will be certainly in favour of the husband and against the wife. In spite of such circumstance the husband has filed the present proceeding to challenge the order made by the Court by which the Magistrate has observed that he will

consider the record of appointment order and the record of salary. The submissions made do not show that, the wife is getting more salary than what is mentioned in the record. This Court finds no reason to interfere in the order made by the Magistrate. The petition stands dismissed.

Sd/-
(T.V. NALAWADE, J.)

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