

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

WRIT PETITION NO. 8818 OF 2016

Sau. Dhanshri Sunil More
age 25 years, occ. Nil
r/o Shiv Palace, Flat No. 2,
Vasant Nagar,
Opp. Hotel Raayba,
Pathardi Road,
Nashik

.. PETITIONER

VERSUS

Sunil Hiranman More
age 30 years, occ. Education
r/o Hira Palace, Balaji nagar
Morane Noagar, Sakri Road,
Dhule

.. RESPONDENT

Mr. U.A. Bhadgaonkar, advocate for petitioner.

Mr. N.N. Desale, advocate for respondent.

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CORAM : S. B. SHUKRE, J.

DATE : 3rd FEBRUARY, 2017.

ORAL JUDGMENT :

1. Rule. Rule made returnable forthwith.
2. Heard finally by consent of the respective parties.
3. The submission is that the Assistant Police Inspector, Indira Nagar Police Station, Nasik, was required to be examined as witness of petitioner because petitioner intends to show as to how respondent-husband is indulging in various illegalities. It is submitted on behalf of petitioner that one Pushpabai Bagul had filed a false complaint of rape against father of the petitioner at the behest of father of respondent no. 1 and, petitioner was desirous of proving this fact in order to support her contention that

respondent is indulging in various illegalities. All these submissions have been rejected by the learned Civil Judge, Senior Division, Dhule, by passing a reasoned order on 4th July, 2016, which is subject matter of challenge in the present petition.

4. I do not think that any patent illegality has been committed by the learned Civil Judge in rejecting the aforesaid contentions. I do not understand as to how some acts done by the father of respondent would be relevant to show that even respondent is indulging in some illegalities. It is quite likely that there is no conspiracy between respondent and his father in doing the alleged illegal acts. Such is also not the case of petitioner. Then the basic question is – Will such evidence serve any purpose of the petitioner ? My answer to the question is definitely 'no' for the simple reason that it is not the case of petitioner that respondent is also treating her in a cruel manner and, in order to perpetuate harassment, has been indulging in various illegalities. I, therefore find that the learned Civil Judge has rightly observed that evidence of Assistant Police Inspector, Indira Nagar Police Station, Nasik, is not relevant.

5. In the circumstances, I find no illegality or perversity in the impugned order. Writ petition is dismissed with costs. Rule discharged.

(S. B. SHUKRE)
JUDGE