

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.8795 OF 2016

Mrs. Anju w/o Anil Kumar Tiwari

Petitioner

Versus

Anil Kumar s/o Aditya Narayan Tiwari

Respondent

Mr. B.B. Kulkarni advocate for the petitioner

Mr. S.S. Patil advocate for respondent

CORAM : **RAVINDRA V. GHUGE, J**

(Date : 20th July, 2017.)

PER COURT :-

1 This matter was heard on 18.7.2017 and again today.

2 I have considered the strenuous submissions of the learned Advocates for the respective sides.

3 While issuing notice for final disposal, this Court (S.B. Shukre, J) has observed in the order dated 17th March, 2017 as under:-

“ 1. Heard. Issue notice for final disposal to the respondent returnable on 07.04.2017.

2. Meanwhile, by way of exparte interim order, the Trial Court is directed to consider the option of issuing direction to the respondent, who is admittedly a Government Servant in Indian

Railways and posted at Bhusawal to produce his salary certificate or salary slip on next date and if that fails, to direct the Divisional Railway Manager, Bhusawal to send his representative together with Salary Certificate and other details relating to payment of amount of over time to the respondent on the date convenient to the Trial Court.

3. Stand over to 07.04.2017.

4. Authenticated copy of this order be furnished to the parties. “

4 The petitioner is aggrieved by order dated 28th August, 2015 by which, his application, praying for issuance of summons to the Divisional Railway Manager, Central Railway, Bhusawal for production of documents, has been rejected. His another application at Exhibit 69 for the same purpose has been rejected by order dated 09th June, 2016.

5 Considering the order of this Court dated 17th March, 2017, the Trial Court was directed to either issue a direction to the respondent who is a Government servant in Indian Railways to produce the salary certificate/salary slip or to direct the Divisional Railway Manager, Central Railway, Bhusawal to send a representative together with salary certificate and other details relating to payment of amount of over time.

6 In my view, by the order dated 17th March, 2017, the grievance of the petitioner is redressed to a considerable extent.

7 In so far as the documents mentioned in the application dated 14th July 2015 filed in Hindu Marriage Petition Nos.118 of 2014 and 444 of 2014 are concerned, the Trial Court has not ed that, those documents, which are sought, are public documents and she can make an application to the Divisional Railway Manager, Central Railway, Bhusawal for seeking copies of the said documents and produce them before the Court.

8 Out of the said documents, in so far as salary certificate/salary slip is concerned, the order of this Court dated 17th March, 2017 would suffice the purpose of the petitioner. The remaining documents mentioned below paragraph No.4 save and except the documents, which this Court has permitted the production, the petitioner submits that an application was moved under the Right to Information Act on 20th November,2015 under Section 6 and that has been rejected. Appeal under section 19 has also been rejected. A further appeal before G.I.C., New Delhi under section 19 (2) is pending. Needless to state, subject to the outcome of the Right to Information application, the petitioner is likely to receive the documents which could be placed on record.

If despite the above, those public documents are not supplied to the petitioner, she would then be at liberty to seek production of the said documents in Hindu Marriage petition Nos.118 of 2014 and 444 of 2014 since Exhibits 64 and 69 have been rejected only to enable the petitioner to procure these public documents. At that stage, if the petitioner makes an application for production of documents justifying the reasons why such documents are required, the Trial Court shall consider the same on its own merit and pass appropriate order.

9 Needless to state, litigating sides would be precluded from seeking adjournments on unreasonable or trivial grounds.

10 Shri Patil, learned Advocate for the respondent submits that the directions of this Court dated 17.3.2017 reproduced above, have already been complied with.

(RAVINDRA V. GHUGE , J)