

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 11094 OF 2017

Bhushan B. Kadam ... **Petitioner.**

V/s.

Jyoti B. Kadam ... **Respondent.**

- Mr.Pradeep J. Thorat for the Petitioner.

CORAM : DR. SHALINI PHANSALKAR-JOSHI, J.

DATED : 9th OCTOBER, 2017.

P.C. :-

1] Heard learned counsel for the Petitioner.

2] By this petition, the Petitioner is challenging the order order dated 31/08/2017, passed by the Family Court at Pune, whereby the Petitioner's application filed under Section 66 of the Evidence Act, giving notice to the Respondent to produce the copy of complaint dated 29/12/2009, allegedly given by her to Bund Garden Police Station, is rejected.

3] According to learned counsel for petitioner, Family Court could not have rejected such application when the averments in the pleadings clearly show that she has given such complaint. Hence, unless she denied having the copy of the complaint, the Family Court was not justified in rejecting the application of the petitioner. However, copy of the say filed to the said application, reveals that she has denied having the copy of the said complaint and she has stated that if such complaint is filed in the Police Station, the Petitioner can avail the same by filing an application for Certified Copy. The learned trial Court has also considered it and held that if the complaint is given to the Police, then it becomes a public document and the Petitioner herein can obtain a Certified Copy of that document, so there is no necessity to give notice to produce the documents.

4] On perusal of this impugned order and having regard to the very specific contention raised by the Respondent herein that she is not having the copy of the said complaint and there was no reason for her to retain copy of the said complaint, I do not find that any ground is made out to interfere in the said order. As observed by the trial Court, the Petitioner is very much having the liberty to

obtain a Certified Copy of the said complaint and produce it before the Family Court.

5] Writ Petition is, therefore disposed off in above terms.

(DR. SHALINI PHANSALKAR-JOSHI, J.)