

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRI. WRIT PETITION NO. 769 OF 2017

Naresh Manikrao More & Others

-vs-

Sau. Poonam Naresh More and another

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

S. O. Ahmed, Advocate for the Petitioners.

Shri. A. M. Gedam, Advocate for Respondent No. 1 & 2.

CORAM : SMT. REVATI MOHITE DERE, J.

DATE : 10.11.2017.

Heard learned counsel for the parties.

By this petition, preferred under Article 227 of the Constitution of India, the petitioners have impugned the order dated 17.07.2017 passed by the Learned Judicial Magistrate First Class (Court No. 2) Morshi, by which the application preferred by the Petitioner, calling for the service record of the respondent's father was rejected.

Learned counsel for the petitioners submits that the said documents i.e. service record of the respondent's father, would have a bearing on the quantum of maintenance, that may be awarded by the Court.

Learned counsel for the respondents opposed the petition. He submits that no interference was warranted in the impugned order dated 17.07.2017. He submits that the respondent No. 1 was receiving an amount of Rs. 500/- per

month from Maharashtra State Road Transport Corporation, after the demise of her father, till she attained the age of 25 years. He submits that the said amount has now stopped, as the respondent No. 1 has completed 25 years. He submits that even otherwise, the petitioner No. 1 cannot absolve himself of his responsibility of paying maintenance to the respondents.

Perused the papers and the impugned order. The petitioners had preferred an application, being exhibit 13, in the Court of the Learned Judicial Magistrate First Class, Morshi praying therein, for calling the entire record of Pensionary benefits, inclusive of service book of respondent's deceased father - Charandas Tulsiram Nagale, from the office of Amravati Division of Maharashtra State Road Transport Corporation, before the application for interim maintenance preferred by the Respondents was decided.

According to the petitioners, they had reliably learnt, that all the heirs of deceased Tulshiram i.e. his wife, sons and the respondent No. 1 were getting pensionary benefits. It was also sought to be contended that the respondent No. 1 was receiving some amount, from the said pensionary benefits and hence she was not entitled to any maintenance from the petitioner. The respondent No. 1 opposed the said application and filed her reply. The Respondent No. 1 stated, that there is no provision of pension in Maharashtra State Road Transport Corporation. She has further stated that however, after the demise of her father, she was receiving an amount of Rs. 500/- per month, till she completed 25 years,

in view of the deposit made by her father, towards the same. She has further stated that having completed 25 years, the said amount of Rs. 500/- has also stopped.

Learned Magistrate has rightly in the facts observed that there was no necessity of calling the service records of the respondent's father. Accordingly, no interference is warranted in Writ jurisdiction in the impugned order. Accordingly, the petition is rejected.

JUDGE

MRS.BOBDE