

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

WRIT PETITION NO. 7879 OF 2018

Smt. Ribeka Sharad Sansare ... Petitioner

versus

Vijay Vinayak Sansare ... Respondent

Mr Prashant R. Nangare, Advocate for petitioner

CORAM : SUNIL P. DESHMUKH, J.
DATE : 16th July, 2018

ORDER :

1. Heard learned counsel for petitioner.
2. Order impugned in present writ petition is passed on Exhibit - 16 in regular civil appeal no. 203 of 2016. Application Exhibit - 16 was moved by present petitioner - appellant in said appeal for appointment of court commissioner to show that respondent is having more property than required for his family.
3. Such application, it appears, had also been moved in the proceedings in suit during trial and had been rejected by the court of first instance.
4. The courts hitherto appear to have persistently considered that attempt under applications is to collect evidence to support

appellant's case and that order XXVI, rule 9 of the Code of Civil Procedure, 1908 cannot be invoked to collect evidence. Further, it appears that appellate court has observed that the appellant had been given full opportunity to to produce on record evidence about total property in respondent's possession and also that she had opportunity to rebut respondent's evidence by way of cross examination before trial court.

5. Having regard to aforesaid it does not appear that writ petition carries any substance deserving consideration.

6. Writ petition, as such, is rejected.

SUNIL P. DESHMUKH,
JUDGE

pnd/-