

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 7732 OF 2014

Udaysingh S/o Vitthalrao Dalvi,
Age : 34 years, Occu : Contractor,
R/o. Vidyanagar, Osmanabad,
Tq. & Dist. Osmanabad

.. Petitioner

Versus

Pallavi W/o Udaysingh Dalvi,
Age : 25 years, Occu : Nil,
Next friend, Kalidas Kisanrao Gore,
Age : 57 years, Occu. Agri.,
R/o At Post Aashiv,
Tq. Ausa, Dist. Latur

.. Respondent

...
Mr. S.A. Wakure, Advocate for petitioner
Mr. A.S. Kakade, Advocate h/f Mr. V.D. Salunke, Advocate for
respondent

...
CORAM : SUNIL P. DESHMUKH, J.
DATE : 07-08-2018

ORAL JUDGMENT :

1. Rule. Rule made returnable forthwith. Heard learned counsel for the parties finally, by consent.

2. The petitioner is before this court aggrieved by order dated 18-03-2014 passed on exhibit - 15 in hindu marriage petition no. 177 of 2012 pending before joint civil judge senior division, Osmanabad.

3. After hearing learned counsel for petitioner, it appears that petitioner has lodged aforesaid hindu marriage petition, seeking divorce on the alleged lunacy against respondent. Learned counsel for petitioner, during the course of hearing, has referred to a communication from civil surgeon, district Osmanabad to 4th civil judge senior division, Osmanabad, dated 22-10-2013, whereunder it has been purportedly conveyed that patient's detailed psychological tests and senior psychiatric's opinion may be necessary. Pursuant to the same, it appears that respondent has underwent admission in Government Medical College and Hospital at Latur, wherein the observations as referred to in the impugned order have been made. In the circumstances, the court has considered that appointment of next friend, as sought under exhibit - 15 may not be necessary. The court has considered that the respondent at that point of time had not been suffering any mental infirmity and there is no material to show that she suffers any infirmity and is incapable to protect her interest. The court accordingly has rejected the application.

4. Learned counsel for petitioner submits that the report by Latur Medical College gives an indication of that, it is at the time when she had been to the hospital, she had not been suffering any mental infirmity. However, it may not be said that all the time, she is of sound mind.

5. Looking at aforesaid, it appears, the writ petition does not carry any substance and, as such, the same is dismissed.

6. Rule stands discharged.

[SUNIL P. DESHMUKH]
JUDGE

arp/