

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 1781 OF 2017

Bhalchandra Dattaram Korgaonkar

.....Petitioner

V/s.

Helik Advisory Limited

....Respondent

Mr. Bhalchandra D. Korgaonkar petitioner-in-person.

CORAM : NITIN W. SAMBRE, J.

DATE : JANUARY 5, 2018.

P.C.

The petitioner appears in person who was party before the Court below in the capacity of husband. Out of matrimonial discord, it is informed by the petitioner at Bar that a Decree for divorce is already passed.

2 In the proceedings before the Family Court, at the behest of the petitioner, services of private agency were summoned in the matter of hand writing and voice sample.

3 Towards the charges levied by such agency the petitioner made substantial payment, however, by the order impugned, the petitioner is directed by the Family Court, Mumbai to pay balance amount of Rs. 27,441/-

towards the service Tax and other expenses.

4 The petitioner-party in person submits that though the cause for summoning the services was at the behest of the petitioner, however, the services of the agency were hired pursuant to the order of the Court, witness summons by the Court was issued and as such he cannot be made liable to pay service charges, tax and other liability. He would try to draw support from the Judgment of this Court in writ petition no. 1927 of 2011 decided on 15/12/2014 so as to claim that in law he is not duty bound to pay or legally such liability cannot be saddled on him.

5 After the proceedings in which the order impugned dated March 8, 2016 was passed, it is required to be appreciated that it is by adjudicating the prayer of the petitioner for ascertaining the hand writing and voice sample, the services of the private agency were summoned. The petitioner has made a categorical statement that he has already paid the substantial charges towards the amount charged by such agency for deciding the judicial proceedings. That being so, it is a case of the petitioner that he has already acted on the order passed by the court below by depositing substantial amount towards the charges levied by such agency in the matter of recording of evidence in a judicial proceedings.

6 In such eventuality as the claim of the petitioner that he is not liable to pay the amount as ordered by the impugned order cannot be faulted with.

7 The petitioner in my opinion does not deserve consideration in extra ordinary jurisdiction as such petition fails, dismissed.

8 The petitioner at this stage, seeks liberty to approach the Family Court so as to apply for correcting the amount.

9 Liberty in accordance with law.

[NITIN W. SAMBRE, J.]