

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

WRIT PETITION NO.6432 OF 2018

PRAVIN SUDHAKAR KULKARNI
VERSUS
SONALI PRAVIN KULKARNI

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Advocate for Petitioner : Mr. Paranjape Prakash S

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CORAM : V.K. JADHAV, J.
Dated: November 29, 2019

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PER COURT :-

1. Heard the learned counsel for the petitioner-husband.

2. Learned counsel for the petitioner submits that the application Exh.84 in HMP No.224 of 2017 came to be filed to examine the witness to show that respondent-wife is gainfully employed and that she is having sufficient source of income. Learned counsel submits that though petitioner-husband has filed closing purshis, the same came to be filed by reserving his right of rebuttal, however, the learned Judge of the Trial Court has rejected the said application, without assigning any cogent reasons.

aaa/-

3. Though, respondent-sole duly served even after notice of final disposal, none appears for her.

4. I have gone through the order passed by the learned Judge of the Trial Court. On perusal of the same, it appears that, the learned judge of the Trial Court has observed that the petitioner-husband has filed petition under section 13 (1)(ia)(b) for a decree of divorce and respondent-wife has filed an application under section 9 of the Hindu Marriage Act for restitution of conjugal rights. The learned Judge has observed that source of income of either party is not in issue in both these petitions. Though learned counsel for the petitioner-husband has vehemently submitted that to decide permanent alimony, the circumstance that respondent-wife is gainfully employed is necessary to be brought on record, however, I do not think that for deciding these two petitions, examination of the said witness as proposed by the petitioner-husband is necessary. I do not find any fault in the order passed by the Trial Court. There is no substance in this Writ

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Petition. Hence, following order.

ORDER

Writ Petition is hereby dismissed.

(V.K. JADHAV, J.)

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