

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

CIVIL APPLICATION NO. 645 OF 2019
in
FIRST APPEAL NO. 1393 OF 2014

Shri Nitin R. Dhiwar ..Appellant

v/s.

Sou. Rupali N. Dhiwar ..Respondent

Mr. Siddharatha Ronghe for the Applicant/Appellant
Mr. V.B.Raut for the Respondent.

**CORAM : SMT. ANUJA PRABHUDESSAI, J.
DATED : 28th FEBRUARY, 2019.**

P.C.

1. Heard Shri Ronghe, the learned Counsel for the applicant and Shri Raut, the learned Counsel for the respondent and perused the records.

2. By this application filed under Order 41 Rule 27 of CPC the applicant has sought leave to produce the judgment and Order dated 29th June, 2007 passed by the learned Joint J.M.F.C., Pimpri, Pune in Criminal Case No. 1175 of 2003.

3. The appellant had filed a divorce petition on the ground of cruelty, The Appellant had averred that the respondent-wife had lodged a false complaint under Section 498A of IPC. He had also averred that he was arrested on the basis of a false complaint lodged by the Respondent wife. Filing of a false case, according to the Appellant was one of the acts of cruelty.

4. The records reveal that the Appellant and his family members were prosecuted for the said offence before the learned J.M.F.C Pimpri, Pune. By judgment dated 29.06.2003, the learned J.M.F.C Pune has acquitted the Appellant and his family members of offence under section 498A IPC. The Appellant has sought to produce this judgment, which was admittedly delivered after disposal of the Divorce Petition and hence could not produced before the trial Court. The judgment is relevant to decide the appeal and pronounce the judgment and the same cannot be shunned only on the ground of delay.

5. In the light of the above, the application is allowed in terms of prayer clause (a).

(ANUJA PRABHUDESSAI, J.)