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

WRIT PETITION NO. 6597 OF 2019
(Sau Rajani w/o. Vilas Sontakke...vs.. Vilas s/o. Kondbaji Sontakke)

Office Notes, Office Memoramda of Coram, appearances, Court's orders of directions and Registrar's Orders.	*Court's or Judge's orders.*

Smt. Deepali I. Charlewar, Advocate for petitioner.
Shri. A.B. Nakshane, Advocate for respondent.

CORAM: RAVINDRA V. GHUGE, J.
DATE: 7th JANUARY, 2020.

1. The petitioner wife in HMP No. 170 of 2012, filed by the respondent husband, is aggrieved by the order dated 17.9.2019, passed by the trial Court vide which, her application Exh. 159, seeking permission to examine authorities of the Income Tax Department to prove the income of the petitioner, has been rejected.

2. I have considered the strenuous submissions of the learned Advocate for the petitioner and have gone through the five grounds formulated in the Memo of the Petition.

3. The record reveals that the proceedings have been initiated by the husband seeking divorce from the wife. Recording of oral evidence commenced in 2017. In between 21.11.2017 and 7.8.2019, the petitioner was given sufficient opportunity to lead evidence. She has availed of the opportunity and examined all her witnesses. Vide evidence closing Pursis Exh. 154 filed on 7.8.2019, the recording of evidence concluded and the matter was posted for advancing final arguments. On

20.8.2019, Exh. 159 was filed by the petitioner, seeking permission to examine “authorities of the Income Tax Department to prove the income of the petitioner”.

4. I have perused Exh. 159, which neither bears the signature of the petitioner, nor is it supported by verification. It is merely signed by the Advocate representing the petitioner wife before the trial Court. No specific name has been mentioned to indicate as to which officer of the Income Tax Department does the wife desires to examine. A vague and ambiguous application has been filed.

5. Nevertheless, if at all, the petitioner desired to prove the income of the husband, she had almost 20 months at her disposal when she was allowed to lead evidence in between November 2017 to August 2019. She has not so done.

6. In view of the above, I do not find the impugned order dated 20.8.2019, could be termed as being perverse or erroneous.

7. This petition, being devoid of merits, is therefore, dismissed.

(Ravindra V. Ghuge, J.)

Belkhede RS