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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.4245 OF 2020

Atul Madhukar Bagul

... PETITIONER

VERSUS

Ujwala Atul Bagul & anr.

... RESPONDENTS

.....
Shri A.S. Savale, Advocate for petitioner
.....

CORAM : R. G. AVACHAT, J.

DATE : 11th MARCH, 2021

PER COURT :

Heard learned counsel for the petitioner. The challenge in this Writ Petition is to the order passed below Exhibits 62, 63 and 64 in Regular Civil Suit No.99/2014. The respondent has filed a suit for maintenance against the petitioner/ defendant.

2. According to the petitioner/ defendant, the plaintiff No.1, his wife, has been serving as a Lecturer. She also owns immovable property in the nature of agricultural land and house property. He, therefore, moved application

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Exh.64, seeking issuance of summons to the Income Tax Department for production of Income Tax returns submitted by her for a period of ten years preceding the date of application. It was application Exh.62. Since the earlier application Exh.62 was not accompanied or supported by affidavit, he moved application Exh.63 for the same relief. Then, the petitioner/ defendant moved application Exh.64 seeking witness summons to the village Talathi for production of revenue record pertaining to the plots described in the said application. The trial Court rejected those applications. The petitioner is, therefore, before this Court.

3. In my opinion, the purpose of this petition could very well be served if the petitioner calls upon the respondent wife to produce on record of the trial Court her salary details, if any. He may also seek witness summons to the employer of the respondent No.1 seeking production of her service record particularly the salary details. As regards the prayer for witness summons to the Talathi, it can be stated that, the petitioner – husband can very well obtain certified copies of the revenue record and produce the same before the trial Court in proof of his contentions in the application Exh.64. Further more, the parties to the suit may be called upon to

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comply with the directions of the Apex Court in the case of Rajnesh Vs. Neha & anr. (Criminal Appeal No.730 of 2020).

4. In view of the above, the writ petition is disposed of.

**(R. G. AVACHAT)
JUDGE**

fmp/-