



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

990 WRIT PETITION NO. 3488 OF 2024

Sangita Murlidhar Bodkhe
Age : 51 years, Occu : Household,
R/o : Plot No.X-169, Near Colgate Company,
MIDC Waluj, Aurangabad ...Petitioner

VERSUS

Murlidhar s/o Rambhau Bodkhe
Age : 55 years, Occ: Service & Business,
R/o. Plot No.25/1, Om Kirana & General Stores
Shivaji Nagar, MIDC Waluj, Aurangabad ...Respondent

...
Mr. M. S. Chaudhari, Advocate for the Petitioner
Mr. S. S. Shinde, Advocate for Respondent No.1
...

CORAM : ROHIT W. JOSHI, J.
DATED : 24th JUNE 2025

ORAL JUDGEMENT :-

1. The order dated 05.01.2024 passed by the learned Joint Civil Judge, Senior Division, Chhatrapati Sambhajnagar rejecting application filed by the petitioner who is respondent in H.M.P. No.98 of 2016 for issuing witness summons to one Sarika is rejected.

2. Original respondent i.e. present petitioner had filed application at Exhibit-91 for issuing witness summons to one Smt. Sarika on the ground that the petitioner had performed second marriage with the

said lady. The learned Trial Court has rejected the application on the ground that there is no pleading in the written statement filed by the present petitioner in this regard and therefore examination of the said lady will be of no avail.

3. Indeed there is no pleading regarding alleged second marriage. It is well settled that evidence without pleadings is inadmissible and further that evidence cannot be led beyond the pleadings. In that view of the matter no fault can be found with the order dated 05.01.2024 passed by the learned Trial Court rejecting application for issuance of summons.

4. Petition is therefore dismissed with no order as to costs.

[ROHIT W. JOSHI, J.]