



(1)

60-WP-5154-2025

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

60 WRIT PETITION NO. 5154 OF 2025

Rohan Pramod Sali

VERSUS

Prajakta Rohan Sali

...

Mr. P. C. Mayure i/by Mr. Shailesh S. Chapalgaonkar, Advocate for the
Petitioner.

Mr. Amol Gandhi, Advocate for Respondent.

CORAM : KISHORE C. SANT, J.

DATE : 25th APRIL 2025

PC :-

1. Heard the learned Advocate for the petitioner.
2. By way of this petition, the petitioner has challenged the order dated 25th February 2025 passed by the learned Civil Judge Senior Division, Kopargaon, Dist. Ahmednagar, rejecting the application of the petitioner. The application was filed for calling a witness for examination. The wife has filed Hindu Marriage Petition No.17 of 2024 under Section 9 of the Restitution of Conjugal Rights. She has also filed interim application seeking maintenance under Section 24 of the Hindu

Marriage Act.

3. The learned Advocate Mr. Mayure h/f Mr. Chapalgaonkar vehemently argued that, both the parties have filed affidavits for deciding the application under Section 24 of the Hindu Marriage Act. In the affidavit, the respondent-wife has stated that, she is not working and she is not having any income. He submits that it is specific case of the petitioner-husband that the respondent-wife is having qualification of B.E. computer and she is working in company namely, Takbari Infortech Pvt. Ltd. It is therefore necessary to prove the fact that she is working in the company. To prove this, the petitioner filed an application for calling the manager of the said company for examination as witness. The said application came to be rejected by the trial Judge only by observing that the affidavit showing assets and liability of the parties is already filed by both the parties on record. He submits that it is because of the incorrect statement in the affidavit, it is necessary to examine the witness. He thus prays for allowing his application in the trial Court and to call the witness.

4. The learned Advocate Mr. Gandhi vehemently opposed the

petition. He submits that this stage of giving evidence is yet to come. Presently, the proceeding is only at the stage of proceeding application under Section 24 of the Hindu Marriage Act, which is an interim application. It is specific case of the wife that presently, she is not working anywhere and, therefore, she has rightly filed an affidavit. In any case, he submits that application of the petitioner is at premature stage and is rightly dismissed by the learned trial Court.

5. Hearing the parties and looking to the petition, this Court finds that this stage to lead evidence is yet to arrive in the proceeding. Presently, in the stage of deciding only interim application, it is open for the petitioner to make such application at the stage of leading of the evidence. With this, this court finds that the petition can be disposed off conveniently. Hence, the following order.

ORDER

- (i) Writ petition stands disposed off.
- (ii) It is kept open for the petitioner to make an application for calling of witness at the appropriate stage.
- (iii) If such application is filed, the said application to be decided on its

own merit without being influence by the observation of this Court as it is. This Court has not made any observation on merit.

(iv) With this writ petition stands disposed off.

[KISHORE C. SANT, J.]