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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

29 CRIMINAL WRIT PETITION NO. 297 OF 2025

DILIP DNYANDEO KATKAR

....Petitioner

VERSUS

SANDHYA DILIP KATKAR

.....Respondent

Mr. M. M. Joshi, Advocate for the petitioner

Mr. S. R. Pande, Advocate for the respondent

CORAM : KISHORE C. SANT, J.

DATE : 26th JUNE, 2025

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1. Heard the learned advocates for the parties.
2. This matter is taken up for final disposal with the consent of the parties, at the stage of admission.
3. The petitioner-husband who is respondent in the matrimonial proceeding before the learned Family Court, Aurangabad has approached this court challenging the two orders passed by the learned Family Court, Aurangabad. By

order dated 13-02-2025 passed below Exh. 36, the learned court issued witness summons to the employer of the husband for production of the salary certificate of the husband-respondent from the date of his joining till February, 2025 related to other benefits, perks, increments given to the husband. By way of another order of the same date, the learned court passed the order below Exh.45, & rejected the application. In the said application the prayer was to set aside the no say order passed by the court earlier on 04-01-2025.

4. It is the case of the petitioner-husband that his valuable right to put say on record is taken away and thereby he will be now without proper opportunity to prove his case. The learned trial court has taken hyper technical approach by saying that when the petitioner was directed to place on record salary certificate, no such salary certificate is submitted. In view of the judgment in the case of Rajnish Vs Neha And Another¹ he submits that in fact the petitioner has very much produced the documents showing his monthly income issued by the Tata

Motors. Though the documents is not specifically styled as salary certificate, however, it shows gross salary of the petitioner. He took this court through the judgment in the case of Rajnesh (supra) and specific format provided by the Hon'ble Apex court for giving information. If engaged in the private sector, furnish a certificate provided by the employer stating the designation and gross monthly income of such persons and Form-16 of relevant period of current employment. He submits that documents as required by this clause-5 are already given. He, thus prays for allowing the criminal writ petition.

5. The learned advocate Mr. Pande, vehemently opposed the petition. He submits that when the court directed the petitioner to produce on record salary certificate, it is mandatory in view of the judgment in the case of Rajnesh (Supra). In the present case, the petitioner has not produced salary certificate, instead he has produced other documents which cannot be said to be salary certificate. He further submits that, the petitioner was working in the FIAT Automobiles Pvt.

Ltd., whereas certificate shows that it is issued by Tata Motors. He, thus, submits that it is not the present employer of the husband. He, therefor, prays for dismissal of the criminal writ petition.

6. The court has mainly considered that husband has failed to produce the salary certificate as required in the case of Rajnish (Supra) to show his monthly salary. This court had considered the documents. As per the clause-5 of the judgment in the case of Rajnish (supra), he has produced on record letter dated 10-05-2023 issued by Pankaj Pradeep, Head-Human Resources alongwith annexure (total-10 pages) including the communication dated 29-07-2024 issued by Sanchita Kumar, Chief Human Resource Officer showing monthly salary of the petitioner. This court finds that prima-facie, this is, sufficient compliance of the order passed by the learned court as per Rajnish (Supra). This court, therefore, finds his hyper technical approach. It is the basic right of every litigant to defend his case. It is for the parties, who alleges otherwise, in the present case

wife prove her case, if it is claimed either accept or deny as the case may be, this court finds that wife would be at liberty to give evidence showing that how the documents are not properly filed as per direction. At this stage, even evidence of the wife is yet to start. She herself has not stepped into witness box. It is always open for her to call witness relevant to the case. Thus, it is clear that wife can always file an application at appropriate stage of the proceeding. With this criminal writ petition stands allowed in terms of prayer clause-B and is disposed off.

[KISHORE C. SANT, J.]

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