



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

WRIT PETITION NO. 7830 OF 2025

Pratibha Gurudev Gujarkar, Age: 28 yrs., Occ: Household,
R/o C/o Vitthal Anandrao Ugemuge, Vanoja, Post-Chikhali,
Tahsil – Ralegaon, District Yavatmal.

PETITIONER

VERSUS

Gurudev Babarao Gujarkar, Age: 33 yrs, Occ: Private
Service, R/o Ajangaon, Tahsil Warora, Dist. Chandrapur.

RESPONDENT

Shri M.V. Rai, counsel for the petitioner.
Mrs. R.S. Sirpurkar, counsel for the respondent.

CORAM : PRAFULLA S. KHUBALKAR, J.

DATE : FEBRUARY 02, 2026

ORAL JUDGMENT

RULE. Rule made returnable forthwith. Heard finally with consent of the learned counsel for the parties.

2. By this petition, the petitioner-Wife has challenged the order dated 22.09.2025 passed by the trial Court on the application at Exhibit 43 for examination of the Doctor as witness.

3. The petitioner is the original respondent in Hindu Marriage Petition No.52 of 2023 filed by the husband seeking divorce on the ground that the petitioner is suffering from Human Immunodeficiency Virus (HIV) infection. After the final arguments of the parties were over, the husband filed an application at Exhibit 43 for permission to examine the Doctor to prove the documents filed on record vide list of documents at Exhibit 16. The application was resisted by the wife, however, the same was allowed by the trial Court by the order dated 22.09.2025 which is challenged by the instant petition.

4. Shri Mahesh Rai, learned counsel for the petitioner submitted that the application filed by the husband for examining the Doctor to prove the documents is an attempt to fill up the lacuna and hence the application deserved to be rejected. He also submitted that the application filed after the final arguments were over, was required to be rejected.

5. Opposing the petition, Mrs. R.S. Sirpurkar, learned counsel for the respondent submitted that the examination of the Doctor as an expert witness is very much necessary to prove the grounds raised in the petition for divorce. She submitted that the evidence of the Doctor is necessary for complete adjudication of the controversy involved in the divorce petition and the trial Court has aptly given due consideration to the relevant aspects while passing the impugned order which needs no interference.

6. While considering the controversy involved, it has to be seen that the petition for divorce is filed by the husband alleging that the wife is suffering from a serious medical condition, viz. Human Immunodeficiency Virus (HIV) infection. During the course of evidence, certain medical certificates were placed on record which are at Exhibits 35 and 36, however the said certificates were produced through witness namely Ajay, who is a Counsellor authorized by the Medical Officer of the hospital. Although the said witness is examined, however it has to be noted that he is not the Doctor who has issued the certificates. As such, examination of the Doctor as an expert witness is necessary, particularly considering the grounds raised in the petition.

7. The trial Court has given due consideration to the grounds raised in the petition and having found that the evidence of the Doctor is necessary for the Court to arrive at an appropriate conclusion, the application filed by the husband at Exhibit 43 was allowed. A perusal of the impugned order shows that the trial Court has given due consideration to the factual and legal aspects. No perversity is seen with the impugned order and hence, no interference is warranted under Article 227 of the Constitution of India. The writ petition is accordingly dismissed with no order as to costs. Rule stands discharged.

(PRAFULLA S. KHUBALKAR, J.)

APTE