

The provision under which applications are filed	:	U/Sec.91 Cr.P.C
Relief Sought for	:	To produce salary certificate of respondent/ petitioner.
The date on which applications are filed	:	16.01.2025 22.04.2025
Number of application	:	-
The date on which objections are filed by opponents	:	11.03.2025 Oral obj- 22.04.2025
The date on which Orders are passed on the application	:	24.04.2025

COMMON ORDERS ON APPLICATIONS U/SEC.91
Cr.P.C.

The petitioner No.1 and respondent have filed separate applications under Sec.91 of Cr.P.C seeking issuance of summons to the employer to produce documents.

2. The petitioner No.1 has filed the application seeking to issue summons to the employer of the respondent to produce salary certificate of the respondent.

3. The respondent has also filed the application praying to summon the employer of the petitioner No.1 to produce the salary certificate of the petitioner No 1 and

also for direction to produce the bank records by the Branch Manager, State Bank of India, Ghataprabha Branch.

4. In the application, petitioner No.1 avers that the respondent is a salaried employee. Despite there being a direction from the Hon'ble Apex Court to produce all documents with regard to assets and liabilities, the respondent has not produced his salary certificate. In order to show the real income of the respondent, salary certificate is a relevant document. Accordingly, the petitioner prayed to allow the application.

5. The respondent has filed objections contending that he has already filed the statement of assets and liabilities, and hence issuance of summons to the employer to produce salary certificate is not necessary. Accordingly, respondent prayed to dismiss the application.

6. In the application filed by the respondent, it is contended that the petitioner No.1 is a salaried employee. She has not produced the salary certificate. The bank records would show that she is capable of maintaining herself. Therefore, the said records have to be

summoned. Accordingly, respondent prayed to allow the application.

7. The counsel for the petitioner No.1 has submitted oral objections to the application filed by the respondent contending that the documents sought are not relevant to the case.

8. Heard learned counsel for the respondent and petitioners on both applications and Perused the materials available on record.

9. The point that would arise for my consideration is as follow:

Point No. 1 : Whether the applications deserves to be allowed ?

Point No 2 : What order ?

10. This court answers the above points are as follows:

Point No.1: Affirmative

Point No.2: As per the order
for the following:

:REASONS:

11. **Point No.1:-** The petitioner No.1 is wife and petitioner No.2 is son of respondent. Petitioners have filed this petition seeking maintenance from the respondent. In order to ascertain the actual income of the respondent, the salary certificate of the respondent appears to be necessary. The respondent has not voluntarily produced the salary certificate. Therefore, a summon has to be issued to the employer of the respondent to produce the salary certificate.

12. It is the contention of the respondent that the petitioner is also a salaried employee. She is capable of maintaining herself.

13. In order to know the actual income of the petitioner No.1, her salary certificate is also necessary. The bank account sought to be produced would also throw light on the income of the petitioner and capacity of the petitioner No.1 to maintain herself and her child. Therefore, the direction to produce the documents sought by the respondent is also necessary for the purpose of proper adjudication of the case. As a result, both applications have to be allowed. Accordingly, point No.1 is answered in the Affirmative.

13. **Point No.2:-** For the reasons stated above, I proceed to pass the following:

ORDER

The applications filed by the petitioner No.1 and respondent under Sec.91 of Cr.P.C are hereby allowed.

Issue summons to the employer of the respondent to produce the salary certificate of the respondent.

Issue summons to the employer of the petitioner No.1 to produce salary certificate of the petitioner No.1.

Issue summons to Branch Manager, State Bank of India, Ghataprabha Branch to produce the bank statement of the petitioner No.1 for the period from 2023 to 2025.

Call on : 09.06.2025

24.04.2025

**Civil Judge and JMFC,
Hukkeri**

Crl.Misc No. 224/2023