

ORDER BELOW EXH.22

(Passed on 17-03-2025)

This is an application filed by the respondent for directing the Principal of Lal Bahadur Shastri Dnyanpith & Junior College, Akot, Tq. Akot, Dist. Akola for producing the salary certificate of the petitioner.

2] The respondent has resisted this application by filing her say on the leaf of this application stating that at appropriate stage respondent may examine witness, but at this stage witness summons cannot be issued to Prncipal for producing the so called salary certificate of the petitioner.

3] Heard learned respective Advocates of both sides at length. Learned Advocate of the respondent has contended that, the photographs produced on record along with list of document Exh.24 shows that the petitioner is doing Yoga in front of Lal Bahadur Shastri Dnyanpith & Junior College, Akot. Therefore, from said photos it is very much clear that she is working as a teacher in said college. Therefore with intent to bring the proof of her income her salary certificate needs to be brought on record. So, this application be allowed as sought.

4] Contrary the learned Advocate of the petitioner has submited that, by filing her affidavit of Assets and Liabilities the petitioner has already stated on oath that she is not having any source of income. The petitioner is not at all working at Lal Bahadur Shastri Dnyanpith & Junior College, Akot. This application is filed with intent to prolong this matter. This is not a proper stage to issue

witness summons for bringing any document on record. Therefore, this application be rejected.

5] Considering overall record and submissions it is very clear that at present this petition is pending for the hearing of interim application Exh.6 which is filed under section 24 of the Hindu Marriage Act, 1955 for the relief of maintenance pendente lite and expenses of proceeding. It is settled position of law that while deciding an interim application under section 24 of the Hindu Marriage Act, 1955 the affidavit of Assets and Liabilities of parties needs to be considered. At present said affidavits are already on record. In the affidavit of petitioner she has stated on oath that, she is not doing any job and she is not having any source of income. In such circumstances, at this juncture there is no need to issue witness summons for production of document as sought by the respondent. Therefore considering the above discussed aspect, at this juncture this application is not tenable and it deserves to be rejected. Hence, I pass the following order.

ORDER

1. Application Exh.22 is hereby rejected.
2. Costs in main cause.

Date : 17/03/2025.

(**Mahesh S. Kale**)
Civil Judge (Sr.Dn.),
Akot.