



P.W.D.VA.No.61/2022

Supriya Khot and Ors. V/s. Ajit Khot and Ors.
Order passed below Exh.No.22.

On the face of record, it appears that this Court while passing an order on Appln. filed U/Sec.23 of the D.V. Act glaringly missed a fact that Aradhya (daughter) has already been arraigned as a party Petitioner. In case of **Badrinarayan V/s. Ompraskash**, it has been observed that “to perpetuate an error is no heroism. To rectify it is the compulsion of judicial conscience”. To be honest, I confes that this Court inadvertently missed the said fact.

2. Be that as it may be, Sec.28(2) of the D. V. Act specifically empowers a Magistrate to lay down his own procedure. In Landmark Judgment of **Maria V/s. Erasmo** it has been observed “Truth is the foundation of justice. It must be endavour of all the J.O. and Judges to ascertain truth in every matter and no stone should be left unturned in achieving this object.” Hence, without disturbing the findings as recorded in the order, in the interest of justice, keeping open all legal points, Appln. be kept for rehearing, to the extent of limited point i.e. entitlement of Aradhya to get interim relief. Note be taken that this Court would not consider any argument as regards the Petitioner-wife, as already finding is recorded that she is disqualified to get the relief under the D. V. Act.

(Ganesh A. Ghule)
JMFC, Ichalkaranji.
.J.O.Code : 2594

Date : 13/10/2023