



**PROTECTION OF WOMEN FROM DOMESTIC
VIOLENCE ACT APPLICATION NO. 12/2019
(Sou. Megha Gitaje & Anr. - Vs. - Shri Amol Gitaje)
ORDER BELOW EXH. 44**

Vide this application, applicant is requesting for assistance of the Court by issuing summons to concerned sugar factory with a direction to submit the relevant record in respect of sugarcane received by the sugar factory from land Gut No. 546, 550, 324, 82, 64 and 1049 of village Alas and land Gut No. 384 of Village Bubnal. Say of respondent is filed overleaf the application and thereby he is opposing the application.

02. Perused application and say. Also perused record and proceeding. It is the contention of applicant that respondent is having said agricultural lands and used to send the sugarcane crop yielded from those agricultural lands to the said sugar factory ; whereas this particular version is precisely denied by respondent. Affidavits of assets and liabilities of both the sides is on record, and based thereon, it is the version of applicant that respondents have made false submissions in those affidavits, and therefore applicant is intending to launch prosecution in respect of filing of false affidavit as well as rebut the said provision in respect of assets of respondents. Based on said submissions, I have carefully gone through the affidavits of assets and liabilities filed by applicant at

Exh. 29 and it is seen that she has specifically mentioned that respondent is having those agricultural lands as assets. As per the direction of Hon'ble Apex Court in the case of **Rajnish Versus Neha and anr. Reported in (2021) 2 SCC 324**, both the parties are at liberty to bring on record evidence to falsify the affidavit of assets and liabilities filed by adverse party. In the present case, applicant is on that verge and for that regard needs assistance of the Court.

03. In the given set of circumstances and peculiar facts of the matter, I am of the view that unless and until the process of this Court is utilized, applicant cannot bring said evidence by her own. As a result, I am of the view that application deserves to be allowed. Accordingly, following order.

ORDER

1. Application is allowed.
2. Issue summons to Sharad Sahakari Sakhar Karkhana Ltd. Narande, Tq. Hatkanagale, Dist. Kolhapur for production of relevant documents as sought vide this application.
3. Applicant shall deposit witness bhatta of Rs. 1,000/- (Rupees One Thousand Only) payable as condition precedent.
4. Copy of this order be provided to both parties free of cost.

Sd/-

(**Anand D. Karbhajan**)

Place – Jaysingpur.

Date – 25/01/2024

Judicial Magistrate First Class,
Jaysingpur, Tal. Shirol, Dist. Kolhapur.

Note – The validity of digital signature of Presiding Officer has expired.

-: Certificate :-

I affirm that the contents of the P.D.F. file judgment / order are same, word to word, as per the original judgment / order.

Name of Stenographer	Mrs. Pallavi V. Sasane
Name of Court	Jt. CJJD & JMFC, Jaysingpur, Tal. Shirol, Dist. Kolhapur.
Date of Decision	25/01/2024
Judgment / Order signed by the P.O. on	25/01/2024
Judgment / Order uploaded on	29/01/2024