

**ORDER BELOW EXH.17**

Present application is moved by Ld. Advocate for the non-applicant seeking witness summons to the concerned authorities where the applicant is an employee. I have perused the present application. It is submitted by the Ld. Advocate for the non-applicant that the applicant intentionally concealed the information regarding her monthly salary income and the salary slip to that effect is required to be produced before the Court. Hence, he prayed for issuance of witness summons to the concerned authorities where the applicant is presently working.

02 The Ld. Advocate for the applicant filed his say on overleaf of the application and contended that such application is moved with sole intention of prolonging of the matter. He further submitted that matter is at stage of cross-examination of the applicant and the evidence of applicant is not yet completed. As per his contention, the non-applicant can lead his evidence of calling of witness at later stage of the matter when the case is posted for evidence of the non-applicant. Hence, he prayed for rejection of the said application.

03 I have perused the application and say. It appears that the evidence affidavit of the applicant was filed on 20/11/2021 the copy of which was received by the Ld. Advocate of non-applicant on same day. Since then, the matter is posted for cross-examination of the applicant. The Ld. Advocate of the non-applicant filed his assets and liabilities affidavit on 21/12/2021 and he filed application for seeking direction that assets and liabilities affidavit of the applicant has to be filed by the

Ld. Advocate of the applicant. Accordingly, the Ld. Advocate of the applicant filed assets and liabilities affidavit on 20/08/2022. Considering facts and circumstances of the case, it appears that there is considerable delay caused for cross-examination of the applicant since filing of her evidence affidavit. Now, the present application is moved for issuance of witness summons to the concerned authorities in which the applicant is working. It seems not to be appropriate at this stage of the matter to entertain such application as it can be moved by the non-applicant at the time of leading of his evidence. The intention behind present application seems to be malafied causing delay in proceeding of the matter. As the dispute is regarding domestic violence caused to the applicant, sufficient opportunities must be given to both parties to lead their evidence. Hence, I pass following order :

ORDER

- 1) Application is at Exh.17 is rejected.
- 2) Both parties to take note and proceed further.

Date :- 10/01/2023

(S.G.Kuvalekar)
Jt. Judicial Magistrate F.C.,
Igatpuri