

MHPU250014312022



Cri.M.A./312/2022
Shabanam Mohammadsalaman
Kagadi Vs. Mohammadsalaman Urf
Saddam Liyakatkhan Kagadi

ORDER PASSED BELOW EXH. 39

This is an application filed by the applicant for production of documents under Section 91 of Cr.P.C./under section 94 of BNSS. She is seeking salary slips and bank statement for three financial years be produced on record by issuing summons to the concerned bank where opponent has maintained his account.

2. It is submitted by her that opponent has not complied the directions/guidelines provided by the Hon'ble Supreme Court vide decision in Rajnish Vs. Neha. Opponent has not produced his bank statement and salary slip on record which is mandated by said decision. Hence, the prayer.

3. Opponent has filed his say at Exh. 46 and submitted that application is not legal. Opponent has filed his income affidavit properly. Contents of the application are false. Applicant is trying to collect the evidence at interim stage. Muslim bank is not party to the application. Hence, application is not tenable. Therefore, liable to be rejected.

4. Perused application and say and record. Heard both sides.

5. It appears from the record, applicant has filed two affidavits in respect of disclouser of income and expenditure etc. First affidavit is filed at Exh. 21 on 19/06/2023 where she mentioned in the column of details of income that she is temporary Assistance Professor and her monthly income is zero (0). She again filed her income affidavit on 26/02/2024 and submitted that she was temporary assistant on 25/11/2023 to 30/04/2024 and monthly income was 9,999/-. She has

filed her account statement and also she filed joining report dated 05/09/2024. The letter reveals that her appointment as Assistant Professor for 19/07/2024 up to 11/10/2024 for academic year 2024-2025. Further, opponent has not filed his salary slip revealing his monthly income. The intention of income affidavit is to help the court to arrive at proper decision in respect of entitlement of maintenance amount and liability of the parties. It is argued by the ld. counsel for opponent that applicant is working as professor. Hence, her salary slips also needs to be brought on record. Considering the overall purpose of application filed by the applicant is to brought proper income of opponent. Now, it is the contention of the applicant that she was temporary professor and not working now. Therefore, in this background to serve the purpose of the application, it would be proper to call salary slips of both applicant and opponent. Further, applicant was on temporary job and left the job as it was temporary, her releaving letter is also important to decide the interim application. In these circumstances, I pass the following order.

ORDER

1. Application at Exh. 39 is disposed on following terms.
 - a. Opponent is directed to produce his recent/pervious six months salary slips on next date without fail.
 - b. Applicant to produce her salary slip when she was working as Assistant Professor for academic year 2024-2025 and her releaving letter on next date without fail.
 - c. On failure to produce above mentioned documents on next date, necessary order will be passed.
2. Both parties to take note.

Junnar
Date : 18/06/2026

(R. G. Kumbhar)
Judicial Magistrate First Class, Junnar