

P.W.D.V.Case no. 1/2018

Order Below Exh.13

(Passed on 3rd December, 2018)

1. Applicant filed application to issue direction to N.A.no.1 to produce the document on record. Applicant submitted that, the proceeding has been pending for hearing over the application of interim maintenance. N.A. no.1 is an Engineer and working in Emerson Export Engineering Center, Matrix Building old Mumbai Pune highway, Wakde wadi Shivaji Nagar Pune and earning monthly salary of Rs. 90,000/- to 1,00,000/-.
2. Now the applicant is living separately from the N.A. no.1 and therefore, the salary certificate of N.A. no.1 is necessary for proper adjudication of the application to ascertain his income and therefore, N.A. or the company in which he is working be directed to produce the salary certificate of N.A.no.1 on record.
3. N.A. filed say and objected the application as not maintainable. N.A. submitted that applicant has filed the report u/s 498A of I.P.C. in which she stated that the NA. no.1 is jobless and therefore this application is devoid of any merit. In the report she stated that the N.A. no.1 has left the service and therefore, now this application without efforts on the part of applicant to obtain such certificate is not justified and therefore, application be rejected.
4. Hear both Ld. Advocates at length. On perusal of copy of FIR it appears that it was lodged on 25.4.2017 apparently prior to this application, in the FIR the applicant stated that N.A.no.1 has left service at Pune. Though these facts are in stated in the application but appeared contradictory to the earlier statement. Hence, it will not be appropriate to issue any such direction. Hence, the order:

Order

1. Application stands rejected.

Date: 03/12/2018

Sd/-
(A.G.Mhaskey)
Judicial Magistrate F.C.
Khamgaon

Certificate

I affirm that, the contents of this PDF are same words for words, as per the original order .

Name of Stenographer : S.B.Warade,

Name of Court : Jt. C.J.J.D. & J.M.F.C., Khamgaon.

Upload on date : 4 /12/2018