IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/SPECIAL CIVIL APPLICATION NO. 4745 of 2026

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KAUSHIKKUMAR MOTILAL MAKWANA

Versus

BHANUMATIBEN W/O. KAUSHIKKUMAR MAKWANA AND D/O RATILAL REVABHAI

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Appearance:
MR CHINTAN V ACHARYA(10558) for the Petitioner(s) No. 1
NOTICE SERVED BY DS for the Respondent(s) No. 1

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CORAM:**HONOURABLE MR. JUSTICE J. C. DOSHI**

Date : 10/07/2026

ORDER

1. Heard learned advocate Mr. Acharya for the petitioner. Though served, none remained present for the respondent.

2. The petitioner challenges impugned order dated 11.2.2026, whereby the learned Family Judge, Court No.5, Ahmedabad has been pleased to close the right of the petitioner to cross-examine respondent Bhanumatiben. Being aggrieved, the petitioner has filed this petition.

3. Having heard Learned advocate for the petitioner, considering the fact that the petitioner has filed family suit for divorce u/s 13(1)(A) of the Hindu Marriage Act. The petitioner's right to cross-examine respondent Bhanumatiben was closed on the ground that the petitioner was asking lengthy and irrelevant questions and thereby, protracting the

matter. While passing the order, the learned Family Court observed that the petitioner instead of summarizing the cross-examination, was asking lengthy and irrelevant questions and thus, the petitioner has not followed the procedure laid down in sections 14 and 15 of the Family Court Act, 1984.

4. The petitioner has filed affidavit before this Court on page 96 and thereby, given undertaking to this Court that he shall not ask any irrelevant and lengthy questions to respondent Bhanumatiben in cross-examination.

5. Considering the facts of the case and on the principle of nature justice, present petition requires consideration. Hence, I pass following order.

5.1 Present petition is allowed. Impugned order dated 11.2.2026 passed by the learned Family Judge, Court No.5, Ahmedabad below Exh.34 closing right of the petitioner of cross-examination is hereby quashed and set aside.

5.2 The petitioner is permitted to cross-examine respondent Bhanumatiben in terms of the affidavit filed before this Court.

5.3 Registry is directed to forward copies of the affidavit filed by the petitioner at page 96 of the compilation along with writ of this order to the concerned learned Family Court immediately.

(J. C. DOSHI,J)

SHEKHAR P. BARVE

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: SHEKHAR PRAFULBHAI BARVE(HC00200), Principal Pvt. Secretary, at High Court of Gujarat on 10/07/2026 13:37:24