

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

**WRIT PETITION NO.4170 OF 2014
WITH
CIVIL APPLICATION NO.1523 OF 2014**

Ramesh Gajanan Rege	... Petitioner
vs.	
Anjali Ramesh Rege and Others	... Respondents

Mr. B.M. Patwardhan, for the Petitioner-husband in WP .No. 4170 of 2014 and for the Respondent in CAW No. 1523 of 2014.
Mr. Abhijit Sarwate, for the Respondents in WP. No. 4170 of 2014 and for the Applicant in CAW No. 1523 of 2014.

CORAM: **MRS.MRIDULA BHATKAR, J.**
DATE: **JULY 23, 2015**

PC.:

. In this Writ Petition, the Petitioner-husband prays that the hearing of the case be conducted day to day basis or at least three days a week for one hour each day with immediate effect and a time limit of maximum two weeks be set on the cross examination of the Petitioner.

2. The parties have been fighting in respect of their matrimonial disputes and their rights since 2005 before the Family Court, Pune. In the High Court also they have filed 8-9 Writ Petitions and number of Civil Applications. The Petitioner-husband has completed the examination in chief and his cross examination is going on.

3. I am shocked to know that the cross examination of the Petitioner-husband has commenced on 17th June, 2010 and it runs into 380 pages and took 33 sessions of the Court. Now the matter is fixed for further cross examination on 3rd August, 2015. There are allegations and counter allegations by both the parties against each other. It was submitted by the learned counsel for the Respondents on query about the length of the cross examination, that the Petitioner-husband is not answering properly to the questions. Moreover, the learned Judge of the Family Court has passed order in respect of continuous objections to each and every question.

4. Undoubtedly, there is a dispute between the parties. The cross examination of the Petitioner-husband is going on since last five

years. The Respondents should not cross the limits while taking the cross examination. It should get over as early as possible. It is to be noted that the time of the Court is the time of public and therefore all the parties, so also the lawyers have to keep in mind that it is our social responsibility to not to abuse the process of law and go on fighting on trivial issues on the basis of each and every available provision in Code of Criminal Procedure, Civil Procedure Code and the Evidence Act. The Courts are here to adjudicate the real truth. The Courts are not to be used as a place to settle their vengeance. The learned counsel for the Respondents on query informs the Court that he requires maximum eight hours to complete the remaining cross examination.

5. Considering the volume of the previous cross examination and taking into account the convenience of both the parties, I allow the Petition with the following order:

- a) The Petition is allowed;
- b) The Family Court, Pune to take up this matter for the purpose of cross examination of the Petitioner-husband twice in a week, in the second session and one and half

hour to be given in a day;

c) The learned counsel for the Respondents shall complete the cross examination within six hours which is to be completed in 3-4 sittings and it shall get over till 14th August, 2015;

d) The objections if at all raised on behalf of the Petitioner, they are to be given in writing and the Court may decide it at the end of the trial;

e) No litigation cost is awarded in this Petition;

f) The Petition along with the Civil Application stands disposed of on the above terms.

(MRS.MRIDULA BHATKAR, J.)

RECORDING OF EVIDENCE BY THE COMMISSIONER