

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 4727 OF 2015

Mrs. Priya Dinesh Khemani ... Petitioner
Vs.
The State of Maharashtra & Anr. ... Respondents

Mr. A.P. Mundargi, Senior Advocate i/b. Mr. Prem Keshwani, Advocate for the petitioner.

Mr. A.R. Metkari, AGP for the State/respondent no. 1.

Mrs. Prabha Badadare, Advocate for respondent no. 2.

CORAM: **MRS.MRIDULA BHATKAR, J.**
DATE : **JUNE 25, 2015**

P.C.:

Rule. Rule made returnable forthwith. By consent of the parties, this Petition is heard finally at the stage of admission.

2. This Writ Petition is directed against the order dated 26th March, 2015 passed by the learned Civil Judge Senior Division, Kalyan asking the respondent/husband to appear in person before the Judge to verify the affidavit sworn by him in a mutual consent petition. The parties have filed the Divorce Petition by mutual consent before the Kalyan Court, however, the respondent/husband is in Jamaica and he is unable to come to India, therefore, he has sworn the affidavit before the High Commission of India, Kingston. The said affidavit is before the Court. The respondent is represented by a lawyer. Under such circumstances, this Petition is

allowed. The order dated 26th March, 2015 passed by the learned Civil Judge Senior Division, Kalyan is set aside. The learned Judge to accept the said affidavit and the order of divorce by mutual consent be passed accordingly on the next date. Parties to appear before the learned Judge on 17th July, 2015.

3. The Writ Petition is allowed.

(MRS.MRIDULA BHATKAR, J.)