

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 4381 OF 2015

Sheetal Girishi Binjwe	...	Petitioner
vs.		
Girish Dattatraya Binjwe	...	Respondent

.....

Mr. Sanjay Bhojwani for the petitioner.
Mr. Hitesh P. Vyas for respondent no.1.

....

CORAM : M.S. SONAK, J.
DATE : 18th NOVEMBER, 2015.

P.C.:

1. This petition is disposed of with the following agreed order:-

a) The order dated 07/04/2015, which has the effect of depriving the petitioner an opportunity of filing written statement, order dated 17/08/2015, which denies the petitioner right to cross examine, and order dated 28/08/2015 which deprives an opportunity of leading her evidence are hereby set aside;

b) Statement made by the learned counsel for the petitioner, that the petitioner will not press application under order 7 rule 11 CPC (Exhibit 38) is accepted. The application under order 7 rule 11 of the CPC is accordingly

disposed of. This shall however be without prejudice to the right of the petitioner to raise all the contentions set out in the said application as and by way of defence. The rights in this regard of both the parties are therefore kept open.

c) The family court is directed to take on record and consider the written statement which is already filed by the petitioner and thereafter proceed to frame issues. The petitioner to serve a copy of the written statement upon the respondent within a period of one week from today.

d) The respondent is granted opportunity to file fresh affidavit in lieu of examination in chief and thereafter, the petitioner will be entitled to proceed with the cross examination.

e) The petitioner will also be entitled to lead her own evidence in this matter.

f) The hearing in the suit is expedited. The family court is directed to dispose of the same as expeditiously as possible and in any case within a period of one year from today.

2. All contentions of all the parties are kept open for decision by the family court.

3. All concerned to act on authenticated copy of this order.

(M.S. SONAK, J.)