

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 9052 OF 2015

Ramkrishna D. Kulkarni

.. Petitioner

vs.

Mrs. Rasika R. Kulkarni

.. Respondent

Mr. Rohit Gangawane for the Petitioner.

CORAM : M. S. SONAK, J.

DATE : 16 SEPTEMBER 2015.

P.C. :-

1] On 9 September 2015, this Court has made the following order:

- “1. Not on board. Upon production taken on board.
2. Issue notice to the respondents, returnable on 16th September, 2015. Place the matter on supplementary board. The notice to indicate that the matter may be heard and disposed of finally at the stage of admission.
3. Further the petitioner is directed to deposit before the Family Court No.2, Pune an amount of Rs.10,000/-on or before 14th September, 2015. This amount to be deposited with notice to the respondent wife.
4. In addition to the notice to be issued by the registry, the petitioner is permitted to effect private service upon the respondent. Leave is also granted to the petitioner to effect service upon advocate appearing for the respondent wife before the Family court.
5. In case the respondent wife is willing to accept the amount of Rs.10,000/-by way of costs then the respondent wife need not attend the proceedings in this Court either by herself or through her advocate. In such eventuality order of 'No cross' will be set aside and the petitioner will be offered opportunity of cross examination. Besides some time bound schedule will also be directed.
6. Further, if the respondent is interested in contesting the petition then the respondent to appear either herself or through her advocate on the returnable date. All concerned

to act on the basis of authenticated copy of this order. The petitioner is directed to bring to the notice of the learned counsel appearing for the respondent wife the making of this order.”

2] Today, Mr. Rohit Gangawane, learned counsel for the Petitioner makes a statement that notice has been served upon the Respondent as well as her Advocate appearing before the trial Court. The learned counsel further makes a statement that even costs of Rs.10,000/- have been paid by the Petitioner to the Respondent and the same have been accepted by the Respondent in the presence of trial Court.

3] Accepting the aforesaid statements made by the learned counsel for the Petitioner, the impugned order dated 18 June 2015 is set aside.

4] The Petitioner to produce the authenticated copy of this order before the trial Court on 21 September 2015, as this is the date fixed by the trial Court.

5] The Petitioner is permitted to cross-examine the Respondent on the said date or on such other further date as the trial Court may

determine/fix. However, before permitting the Petitioner to cross-examine the Respondent, the trial Court to ascertain from the Respondent whether she has indeed received costs of Rs.10,000/-.

6] Further, the Trial Court is directed to dispose of the matrimonial petition bearing P.A. No. 907 of 2012 as expeditiously as possible and in any case, within a period of six months from the date of production of authenticated copy of this order.

7] The impugned order dated 18 June 2015 is set aside, on the basis of assurance given by the Petitioner that he will cooperate in the matter of expeditious disposal of the matrimonial petition.

8] The petition is disposed of in the aforesaid terms.

9] All concerned to act on the basis of authenticated copy of this order.

(M. S. SONAK, J.)

CERTIFICATE

“Certified to be true and correct copy of
original signed Judgment/Order.”