

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 2548 OF 2015
IN
WRIT PETITION NO. 2 OF 2014

Tejsingh Ashokrao Gaikwad	...	Applicant
Vs.		
Kirti Mohan More alias		
Kirti Tejsinghrao Gaikwad	...	Respondent

Mr. Tejsingh Gaikwad, applicant appearing in person.
Mrs. Seema Sarnik i/b. Mr. Ravindra S. Pachundkar, Advocate for the respondent.

CORAM: MRS.MRIDULA BHATKAR, J.
DATE : 27th November, 2015

P.C.:

Not on board. Upon mentioning, taken on board.

2. By the order dated 13th August, 2015, this Court has directed the Family Court to complete the evidence in Divorce Petition on or before 30th November, 2015. In fact, this Application is moved praying for extension of the time.

3. It is submitted by the applicant/petitioner, who is appearing in person, that the Family Court Judge has closed the evidence of the parties and the petitioner wants to cross-examine the respondent/wife and her witnesses. He was unwell nearly for 10 days and therefore, he could not

cross-examine on the dates specified by the learned Judge of the Family Court.

4. This Application is opposed by the learned counsel for the respondent/wife. She submitted that on the dates when the witnesses appeared, the petitioner chose not to cross-examine the witnesses and, therefore, the learned Judge of the Family Court closed the evidence of those witnesses.

5. This is a divorce petition, hence the issue of divorce can be adjudicated properly only after recording the evidence of both the parties and after giving opportunity to cross-examine the witnesses of their sides. Hence, the time given in the said impugned order to complete the evidence is extended by 15 days and the learned Judge of the Family Court to complete the evidence till 15th December, 2015. The respondent/wife to remain present on 30th November, 2015 and her cross to be conducted consecutively on any two days, i.e., either on the same day or thereafter and the petitioner shall complete the cross-examination within two days. Immediately on the next date, other three witnesses shall remain present and their cross-examination are to be completed within further two sessions. The petitioner, on query, answered that he wants to examine 7 to

8 witnesses. He has not even submitted the list of witnesses before the Family Court Judge. The petitioner is directed to submit the list of witnesses on Monday, i.e., 30th November, 2015 before the Family Court Judge. The petitioner has submitted that he wants to examine 7 to 8 witnesses, however, the learned Judge of the Family Court to decide which witnesses are required and necessary on the issues. The petitioner/husband shall submit the affidavit-in-chief on the next day of the cross-examination of all the witnesses of respondent/wife is over. Parties to appear before the learned Judge of the Family Court on 30th November, 2015. Parties to cooperate.

6. Civil Application is allowed.

(MRIDULA BHATKAR, J.)