

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 9896 OF 2014

Mrs. Laxmi Ashok Yadav
Vs
Mr. Ashok Ramnayaak Yadav

Petitioner

.. Respondent

Ms.Monika Kshirsagar i/b Mr. S.D.Patil , Advocate for Petitioner.

Mr. Manoj J.Bhatt, Advocate for Respondent.

CORAM : R.G.KETKAR,J.

DATE : 24/02/2015

PC:

1. Heard Mr. Sandesh Patil and Ms. Monica Kshirsagar, learned counsel for the petitioner and Mr. Manoj Bhatt, learned counsel for the respondent.

2. Rule. Mr. Bhatt waives service for the respondent. At the request and by consent of the parties, Rule is made returnable forthwith and the Petition is taken up for final hearing.

1. By this Petition under Article 227 of the Constitution of India, the petitioner-wife has challenged the order dated 17.10.2014 passed by the learned Principal Judge, Family Court, Thane below Exh.64 in Petition No.A/58 of 2010. By that order, the Family Court rejected the application made by the petitioner herein for adjournment. The Family Court observed that time and again the petitioner herein was directed to file examination-in-chief but she has failed to do so on the ground that Writ Petition

No.8958 of 2014 is pending in this Court.

2. Mr. Patil, upon taking instructions from the petitioner, states that on or before 10.3.2015 the petitioner will file her affidavit in lieu of examination-in-chief along with original documents and also affidavits in lieu of examination-in-chief of rest of witnesses proposed to be examined, if any, and serve copies thereof on the other side.

3. In view of the statement, the impugned order dated 17.10.2014 is set aside. It is made clear that in the event of failure of the petitioner in filing affidavit in lieu of examination-in-chief along with original documents and also affidavits in lieu of examination-in-chief of rest of witnesses proposed to be examined, if any, on or before 3.3.2015, the order dated 17.10.2014 shall stand revived without further reference to the Court.

4. Rule is made absolute in the aforesaid terms with no order as to costs.

(R.G.KETKAR, J.)