

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 3225 OF 2015
IN
WRIT PETITION NO. 02 OF 2014

Tejsing Ashokrao Gaikwad

... Applicant

Vs.

Ms. Kirti Mohan More alias

Mrs. Kirti Tejsingrao Gaikwad

... Respondent

Mr. Tejsing Gaikwad, applicant appearing in person present.

Smt. Seema Sarnaik i/b. Mr. Ravindra S. Pachundkar, Advocate for the respondent.

CORAM: MRS.MRIDULA BHATKAR, J.

DATE: 14th December, 2015

P.C.:

By an order dated 27th November, 2015 a time schedule was given, however, by this Application, the applicant/husband has made number of prayers including the prayer for giving him an opportunity to cross-examine the respondent/wife, so also to recall witness nos. 2 and 4, i.e., mother and brother of the respondent/wife. After going through the prayers mentioned in the Application, prayer clauses (a), (b), (e) and (f) are rejected. The applicant does not press prayer clause (g). Hence, only prayer clauses (c) and (d) of giving time to cross-examine the respondent/wife and her witnesses is to be decided.

2. The applicant appearing in person submitted that the examination-in-chief of the respondent/wife is running in 90 paragraphs and he has

completed cross upto 25 paragraphs. He further submitted that witnesses no. 2 and 4 are to be recalled and he wants to take further cross-examination.

3. The learned counsel for respondent/wife opposed this Application. She submitted that all the allegations made in this Application are false and they are to be withdrawn or deleted. She further submitted that the applicant has been given sufficient time by the trial Court to cross-examine the wife and also to cross-examine the mother and brother of the wife. She submitted that the case of the respondent/wife is upto paragraphs 35 of affidavit-in-chief and thereafter the other paragraphs are in the nature of rebuttal of the case of the respondent.

4. After going through the Application and on hearing the submissions of both the parties, I am of the view that though good amount of time is given by the learned Judge of the Family Court for cross-examination of respondent/wife and also witnesses no. 2 and 4, in order to curtail the multiplicity of further litigations, I extend the time for cross-examination as follows:

- (i) The applicant is allowed to cross-examine witnesses no. 2 and 4 on 16th December and 17th December, 2015 respectively. Witness nos. 2 and 4 may remain present as

per the convenience of the Family Court. The applicant be allowed to cross-examine for half hour each witness as prayed by him.

- (ii) The respondent/wife resides in Pune and she is a working lady, therefore, she can be accommodated and possibly her cross-examination can be completed in four hours on one day subject to the convenience of the Court. Everything should get over on 19th December, 2015. If it is not possible, then the Family Court may decide any date/s. However, total four hours time is given to the applicant to complete the cross-examination of respondent/wife.
- (iii) This is the last time of giving extension of cross-examination of the respondent/wife or recalling the witnesses of the respondent/wife.
- (iv) As soon as the cross-examinations of respondent/wife and witnesses of wife are over, then the applicant/husband shall file his affidavit-in-chief on 22nd December, 2015 and if it is not filed, the Family court is at liberty to pass an order in accordance with law.
- (v) For the purpose of cross-examination, the counsel and the applicant shall remain in the Court at 11 O'Clock sharp.
- (vi) The applicant/husband is bound by the order of the trial

Court to produce the witnesses on the scheduled date.

- (vii) The order of saddling the cost of Rs.5,000/-, though opposed by the learned counsel for the respondent/wife, is set aside with a warning to the applicant/husband that he shall not waste the time of Family Court and shall abide by the timetable given by this Court.

5. Civil Application is disposed of.

(MRIDULA BHATKAR, J.)