

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION (ST) NO. 8302 OF 2016

Smt. Bharati Sachin Rameshchandra .. Petitioner
vs.
Shri. Sachin Rameshchandra .. Respondent

Mr. Prashant Badole for the Petitioner.
Ms Devika Deshmukh i/b Nachiket K. for the Respondent.

CORAM : M. S. SONAK, J.
DATE : 14 JUNE 2016.

P.C. :-

1] The challenge in this petition is to the order dated 29 February 2016 made by the Family Court, Bandra at Mumbai below Exhibit-39 in Petition Nos. A-1877 of 2010 and A-1356 of 2012.

2] Learned counsel for the petitioner has submitted that the Family Court, by order dated 11 February 2015, had directed the respondent-husband to produce certain documents and the respondent-husband has failed to produce the same. The learned counsel for the petitioner submits that unless such documents are produced by respondent-husband, there is no question of requiring the petitioner to proceed with the cross-examination.

3] From the perusal of the impugned order, it appears that there is substantial compliance on the part of the respondent-husband in

the matter of production of documents referred to in order dated 11 February 2015. However, it is possible that some documents remained to be produced. It is the contention of the learned counsel appearing for the respondent-husband that all the documents have in fact been produced. Learned counsel for the respondent-husband however submits that only the document has not been produced and for this, sufficient explanation has been afforded. Learned counsel for the petitioner, however, disputes this position.

4] As noted earlier, the impugned order has already noted that there is substantial compliance. Further the impugned order has also made it clear that it is open to the petitioner to resort to alternate remedies, including *inter alia*, by way of insistence of adverse inference to be drawn against the respondent-husband for failure to produce the documents, in case, such failure is established and further in case, the failure is on account of in-sufficient reasons. Then, in my judgment affords sufficient protection to the petitioner. There is no jurisdictional error in making the impugned order. Accordingly, this petition is dismissed. The interim order is vacated. There shall be no order as to costs.

5] As noted in the impugned order, since the petitions are more than five years old, the Family Court is requested to dispose of the same expeditiously. Both parties to cooperate in the matter of expeditious disposal of these petitions.

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

(M. S. SONAK, J.)