

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

WRIT PETITION STAMP NO.7304 OF 2016

Mr. Ajit Goyal : Petitioner.
Versus
Mrs. Payal Goyal : Respondent.

Mrs. Indrayani M Koparkar for the Petitioner.

CORAM : R. M. SAVANT, J.
DATE : 15th March 2016

P.C.

1 The writ jurisdiction of this court is invoked against the order dated 20/01/2016 passed by the learned Judge of the Family Court-3 Mumbai by which order the application filed by the Respondent who is the Petitioner in the said proceedings being Petition No.A-1631 of 2008 came to be allowed and the Respondent herein was allowed to reconstruct the record. The reconstruction of the record is allowed to the extent mentioned in clause (2) of the operative part of the said order. The said clause (2) reads thus :-

“Clause (2) :- Exh.18 filed by the petitioner alongwith list of documents, Exh.19 i.e. claim Affidavit of evidence of petitioner, Exh.41 i.e. additional examination-in-chief of petitioner and the cross-examination of petitioner, be reconstructed by accepting its copies available with the petitioner, on record and necessary entries about it be taken in the Roznama.”

2 The learned counsel appearing for the Petitioner herein (i.e. the

husband) Mrs. Koparkar states that the Petitioner-husband has no objection to the other exhibits i.e. Exhibit 19 and Exhibit 41 being reconstructed but has objection to Exhibit 18 which is the list of documents. It is the contention of the learned counsel for the Petitioner-husband that the Roznama no where reflects that such list in fact has been produced by the Respondent-wife. In my view, it is not possible to accept the said contention considering the fact that the Respondent-wife is the applicant before the Family Court. However, it is required to be noted that in so far as the said aspect is concerned, the Family Court has reserved the rights of the Petitioner-husband by making observations in paragraph 3 of the said order to the effect that if the respondent (i.e. the husband) wants to dispute those documents, he is having ample opportunity to dispute and rebut those documents by taking recourse in law.

3 In my view, having regard to the nature of the order passed, no case for interference in the writ jurisdiction of this Court is made out. The above Writ Petition is accordingly dismissed.

[R.M.SAVANT, J]