

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 2405 OF 2016

Hermeetsingh Manmohansingh Vadhera	...	Petitioner
vs.		
The State of Maharashtra & Anr.		Respondents

Ms.Ratna R. Jaiswal, Advocate for the petitioner.
Ms.A.A.Mane, APP, for the State.

CORAM: RAVINDRA V.GHUGE, J.
DATE : 14th July, 2016.

P.C.

1. Not on board. Upon production, taken on board.
2. The petitioner before this Court is seeking a direction to the learned Family Court, Bandra, to allow the petitioner to file his say to the interim application No.221 of 2011 Exhibit 9 in Petition No. E-160/2011.
3. The contention of the petitioner is that the matter before the Family Court is at the stage of leading evidence. The application for

interim relief Exhibit 9 was kept pending by respondent No.2-original complainant. The Family Court has still not decided that application. The grievance is that when the matter is posted for cross-examination of the original complainant, the interim application is being pressed.

4. It is further submitted that despite the best efforts of the petitioner, the say to the application Exhibit 9 could not be filed because the learned Family Court is not allowing the petitioner to file his say.

5. I have considered the submissions of the learned Advocate for the petitioner and have gone through the Petition Paper-book with her assistance.

6. The Petition before the learned Family Court has been presented by respondent No.2 on 30.3.2011. It was registered on 11.4.2011. Court No.5 is presently dealing with the said proceedings. Both the litigating sides have been participating in the proceedings considering the fact that the petitioner appeared before the Court on

15.4.2011. The matter was also placed before the Lok Nyalaya, but could not be settled.

7. The Roznama indicates that the petitioner was granted the opportunity of filing his say to the interim application Exhibit 9. As late as on 27.6.2012, the Family Court passed an order of “No say” and the matter proceeded without the say of the petitioner. In the above backdrop, the petitioner is before this Court after four years of the matter proceeding without the say of the petitioner before the Family Court.

8. I find the submissions of the learned Advocate for the petitioner to be unusual, that ‘the say was sought to be filed and the Family Court has restrained the petitioner from filing his say.’ Going by the procedure, the petitioner was expected to file an application for seeking the setting aside of the “No say/proceed without say” order dated 27.6.2012 and such an application ought to be accompanied with the say of the petitioner. From the entire Roznama, as on 23.9.2014 placed on record, no such application has been filed. In fact, the cross-examination of the petitioner has also commenced.

9. In the light of the above, I do not find any reason to entertain this petition. The same is dismissed.

(RAVINDRA V.GHUGE, J.)