

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 12701 OF 2015

Narendra R. Shenoy

.. Petitioner

vs.

Geeta N. Shenoy

.. Respondent

Ms Geeta Mulekar for the Petitioner.

Ms Bharti Garud and Ms Prachi Sawant i/b M.V. Kini & Co. for
Respondent.

CORAM : M. S. SONAK, J.

DATE : 4 FEBRUARY 2016.

P.C. :-

- 1] Not on board. Upon production, taken on board.
- 2] Rule. With the consent of and at the request of learned counsel for the parties, Rule is made returnable forthwith.
- 3] The challenge in this petition is to the order dated 18 November 2015, by which, the Family Court, without assigning any reasons, has directed the Petitioner to produce all the documents claimed by the Respondent in her application dated 12 June 2015.
- 4] Ms Geeta Mulekar, the learned counsel for the Petitioner, submits that the Petitioner should be afforded an opportunity to file a reply to the application dated 12 June 2015 and thereafter, the

Family Court upon hearing the parties, can always decide whether direction is necessary to produce all or any of the documents referred to in the application dated 12 June 2015. The learned counsel for the Petitioner also complains that the impugned order contains no reason whatsoever.

5] Ms Bharti Garud, the learned counsel for the Respondent, submits that several opportunities were granted to the Petitioner, but the Petitioner failed to either file a reply or to produce the documents. It is in these circumstances that the impugned order came to be made. Ms Garud points out that the Petitioner is only interested in delaying the matter.

6] If the impugned order is perused, it contains no reason whatsoever. However, considering that the application was made on 12 June 2015, there is really no explanation as to what prevented the Petitioner from filing a reply earlier. The impugned order has been made on 18 November 2015, which indicates that the Family Court has granted sufficient opportunity to the Petitioner in the matter.

7] Nevertheless, the Petitioner, subject to payment of costs, which, he has already paid to the Respondent by RTGS, the Petitioner can be granted one more opportunity.

8] Accordingly, the impugned order dated 18 November 2015 is hereby set aside. The Petitioner is granted liberty to file a reply within one week from today. The learned counsel for the Petitioner states that the reply will be filed by tomorrow, i.e., 5 February 2016, itself before the Family Court, as the matter is scheduled on the said date.

9] The Family Court to decide the application dated 12 June 2015, as expeditiously as possible and in any case within a period of two weeks from today.

10] The Family Court is also directed to dispose of Petition No. E-116 of 2014, as expeditiously as possible and in any case within a period of nine months from today. Both the parties to cooperate with the Family Court in the matter of expeditious disposal of the main petition. Both the parties shall not unnecessarily seeks adjournments or delay the proceedings.

11] The Petitioner has already paid an amount of Rs.10,000/- to the Respondent, which shall be construed as costs payable by the Petitioner to the Respondent.

12] Rule is made absolute to the aforesaid extent.

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

(M. S. SONAK, J.)

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