

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 4994 OF 2016
WITH CA/12759/2016 IN WP/4994/2016

CHANDRAMANI ROHIDAS SHRUNGARE
VERSUS
MAYURI CHANDRAMANI SHRUNGARE

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Advocate for Petitioner : Shri Tribhuwan Nitin T
Advocate for Respondent : Shri Joshi M.D.

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CORAM : RAVINDRA V. GHUGE, J.
Dated: January 06, 2017

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PER COURT :-

1. This matter was heard for sometime on 4.1.2017 and was posted today for further consideration.
2. The petitioner has tendered a registration certificate dated 15.12.2013 indicating that the Gymnasium for ladies has been registered under the Maharashtra Shops and Establishments Act and the name of the owner is shown to be Mayuri Kamalakar Kamble which is said to be the maiden name of the respondent.
3. Learned Advocate for the petitioner submits that by setting aside the impugned order, application Exhibit 9 may be restored to the file of the Family Court and the petitioner would seek appointment of a Court Commissioner and would pay the charges of the said Court Commissioner so as to investigate as regards the number of persons who have registered themselves with the said Ladies Gymnasium. Learned

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Advocate for the respondent consents for the same and submits that he would not oppose the appointment of a Court Commissioner and application Exhibit 9 could be reconsidered by the Family Court.

4. In the light of the above, this petition is partly allowed. The impugned order dated 6.4.2016 is quashed and set aside and application Exhibit 9 is restored to the file of the learned Principal Judge, Family Court, Aurangabad. Liberty to file an application for seeking appointment of Court Commissioner, in the light of the above is granted to the petitioner. Considering the statement made by the respondent, the learned Court shall allow the application and proceed to consider Exhibit 9 afresh after the report of the Enquiry Officer is filed. The statement of the petitioner that the application for appointment of Court Commissioner would be filed within two weeks is recorded.

5. The amount of Rs.15,000/- deposited in this Court by the petitioner shall be transmitted to the learned Principal Judge, Family Court, Aurangabad. The said amount would be subject to the result of Exhibit 9.

6. Pending Civil Application is disposed off.

(RAVINDRA V. GHUGE, J.)

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