

FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.2155/2016

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. Pandit Kasar with Rohit Mangsule for the petitioner

Mr. V. B. Rajure for the respondent No.1.

CORAM : K. K. TATED, J.

DATE : JULY 19, 2017

P.C.:

1. Heard. By this petition under Article 227 of the Constitution of India the Petitioner challenges the common order dated 05.02.2016 passed by the Civil Judge, Senior Division, Ichalkaranji below Exhibit- 44 and 45 in HMP No.79/2014 rejecting the petitioner's application for condonation of delay in filing the written statement, setting aside No WS order and closing the matter for final hearing without giving any chance to the petitioner for cross-examination and/or lead evidence.

2. The learned counsel for the respondent husband submits that he received instructions from his client that they have no objection, if both the applications are allowed with directions to the Trial Court to decide the HMP No.79/2014 as early as possible.

3. Hence, by consent of the parties, following order is passed:

a. The impugned common order dated 05.02.2016 passed by the Civil Judge, Senior Division, Ichalkaranji below Exhibit- 44 and 45 in HMP No.79/2014 is set aside.

b. The applications made by the petitioner wife below Exhibit-44 and 45 in HMP No.79/2014 are allowed.

c. Liberty granted to the petitioner to file written statement in HMP No.79/2014 within two weeks from today with copy to other side.

d. Liberty granted to the parties to lead their evidence according to law.

e. Hearing of the HMP No.79/2014 is expedited.

f. This court expect that the Trial Court would decide the HMP No.79/2014 as early as possible but in any case on or before 31.12.2017.

g. Writ Petition stands disposed of accordingly.

JUDGE