

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

**WRIT PETITION NO.7493 OF 2017**

|                          |                 |
|--------------------------|-----------------|
| Jitendra Bhagatram Gurli | .... Petitioner |
| V/s.                     |                 |
| Neeta Jitendra Gurli     | .... Respondent |

Mr. Vaibhav R. Gaikwad for the Petitioner.

None for the Respondent.

**CORAM : DR. SHALINI PHANSALKAR-JOSHI, J.**

**DATE : 6<sup>TH</sup> OCTOBER 2017.**

**P.C. :**

1. Heard learned counsel for the Petitioner. Affidavit-of-service is filed on record to show that the Respondent-wife is duly served, but she has not remained present.

2. The only short point raised is to set aside the “No Cross” order passed against the Petitioner. It is submitted that the Petitioner is ready to cross-examine the Respondent and this Court may even allow the said prayer subject to payment of costs, and this Court may even expedite and make the proceedings time bound. It is submitted that the Petitioner will not make any attempt to prolong the matter and he will extend every co-

operation to the Trial Court to expeditiously decide the matter within the time fixed by this Court.

3. In view of this assurance and that the matrimonial matter should be decided on merits, instead of being decided ex-parte or without cross-examination of the Respondent, this Writ Petition is allowed. The impugned order passed by the Trial Court of “No Cross”, is set aside.

4. The Petitioner is given an opportunity to cross-examine the Respondent, subject to payment of costs of Rs.5,000/- and subject to the condition that he should diligently remain present and extend every co-operation to the Trial Court for expeditious hearing of the proceedings before the Trial Court.

5. The Trial Court to make every endeavour to proceed with the hearing of the proceedings pending before it and decide the same as expeditiously as possible, preferably within a period of three months from the date of receipt of a copy of this order.

6. It is submitted by learned counsel for the Petitioner that the matter is kept tomorrow in the Trial Court. Hence, the Office to issue the

authenticated copy of this order, so that tomorrow the Petitioner can cross-examine the Respondent, if she is available and if it is convenient for the Trial Court to do so.

7. Writ Petition is disposed off in the above terms.

**[DR. SHALINI PHANSALKAR-JOSHI, J.]**