

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****WRIT PETITION NO.9188 OF 2017**

Sarika Sureka

....Petitioner

Vs.

Mahendra Sureka

....Respondent

Mr. Jai Kanade i/b. Mr. Sumit Kothari for the Petitioner.

Smt. J.P. Jadhav AGP for the State.

Respondent-in-person present in the Court.

CORAM : A.S. GADKARI, J.**DATE : 31st AUGUST 2017****P.C.:**

1. By the present petition, the Petitioner has challenged the order dated 03.08.2017 passed below Exh.1 in Petition No.A-1270 of 2011 by the Family Court No.3, Mumbai.

2. Heard the learned counsel for the Petitioner and the respondent Shri. Mahendra Sureka, who appears in person.

3. The record indicates that by an order dated 16.06.2017 passed in Writ Petition No.5335 of 2017, this Court has directed the Family Court, Mumbai to pass judgment in Petition No.A-1270/2011 as per roznama dated 24.03.2017 and 06.04.2017 on its own merits.

4. Learned counsel for the Petitioner submitted that the impugned order dated 20.04.2017 has been passed by the Learned Judge of the Family Court *suo moto* without there being any application

of either parties and in view of the order dated 16.06.2017 passed by this Court, the Learned Judge ought to have passed final judgment in the matter on the said date. The respondent who appears in person does not have any dispute about the said submission made by the learned counsel for the Petitioner and he also submitted that since the petition filed by him is of the year 2011, it ought to be decided as expeditiously as possible and in furtherance of order dated 16.06.2017 passed by this Court.

5. In view of the above, by consent of the parties, the order dated 03.08.2017 is hereby quashed and set aside.

6. The Family Court No.3, Mumbai is hereby directed to follow the directions issued by this Court by its order dated 16.06.2017 passed in Writ Petition No.5335 of 2017.

7. It is informed by the respective parties that the next date scheduled before the Family Court is 06.09.2017. The Family Court No.3 Mumbai is hereby further directed to endure to pass Judgment in the said Petition No.A-1270 of 2011 on or before 29.09.2017.

8. The petition is disposed off with the aforesaid directions.

(A.S. GADKARI, J.)