

IN THE HIGH COURT OF JUDICATURE AT BOMBAY***CIVIL APPELLATE JURISDICTION*****WRIT PETITION NO. 10396 OF 2017****Minoti Subhash Anand****..... Petitioner****VERSUS****Subhash Manohar Anand****..... Respondent**

Mr.Rohan Cama, i/b. Ms.Sapana Rachure for the Petitioner.

Ms.Devayani Bhawe, i/b. Bhawe & Co. for the Respondent.

CORAM : R.D.DHANUKA, J.**DATE : 21st NOVEMBER, 2017****P.C.**

The matter was argued for sometime by the learned counsel appearing for the parties. At this stage, Mr.Cama, learned counsel appearing for the petitioner on instructions from the petitioner who is present in Court seeks liberty to withdraw the affidavit in lieu of examination in chief filed by her before the 2nd Family Court at Bandra, Mumbai in M.J.Petition No.A/1215 of 2011 dated 9th May, 2017 with liberty to file a fresh affidavit in lieu of examination in chief in accordance with law. Learned counsel appearing for the respondent has no objection if the said affidavit in lieu of examination in chief is allowed to be withdrawn with liberty to file a fresh affidavit.

2. This Court expects that the fresh affidavit proposed to be filed by the petitioner would be within the parameters of law including the provision scope under section 14 of the Family Courts Act. Such

affidavit shall be filed within two weeks from today and a copy thereof shall be served upon the respondent's advocate simultaneously. It is made clear that no further extension would be granted.

3. It is made clear that this Court has not expressed any views on the merits of the impugned order passed by the Family Court.

4. It is also made clear that the petitioner has not accepted the validity of the reasons recorded by the learned Judge in the impugned order.

5. The parties are directed to proceed with the recording of the evidence expeditiously.

6. Writ petition is disposed of in the aforesaid terms. No order as to costs.

(R.D.DHANUKA, J.)