

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

907 WRIT PETITION NO. 4497 OF 2017

PRASHANT MALHARRAO DESHMUKH
VERSUS
PRACHI PRASHANT DESHMUKH

...
Advocate for Petitioner : Mr. Hemant Surve.
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CORAM : **V. K. JADHAV, J.**
DATE : 18th January, 2018.

ORDER:

. I find no substance in this writ petition. This pertains to the matrimonial dispute where the wife commenced with her evidence by filing her affidavit. During the course of her cross-examination, the Respondent / wife stated that she is ready to cohabit with her husband if he undertakes to treat her well and furthermore, she is also ready to give certain terms in writing as to how the husband should behave with her if she goes for further cohabitation. On the basis of these answers in the cross-examination, the Petitioner / husband has filed an application seeking adjournment to defer the further cross-examination on the ground that the objective of the mediation itself is given a go bye if the further cross-examination is not deferred. If the Respondent / wife submits the terms and if those terms are reasonable, the Petitioner / husband would necessarily accept those

terms. The learned Judge by impugned order dated 17th February, 2017, rejected the said application on the ground that this issue can be decided later on. The matter is time bound as directed by this Court and already sufficient opportunity is given to the Petitioner / original Defendant. I do not think that certain answers given by the Respondent / wife in her cross-examination would be a ground to defer her cross-examination. However, the parties may file an application or even the Court below may refer the matter for mediation by consent of both the parties, if occasion, so arises. However, seeking the adjournment on this ground would be unwarranted and uncalled for. The learned Judge of the Trial Court has rightly rejected the application. I find no substance in this writ petition.

2 At this stage, the learned counsel for Petitioner submits that during the pendency of this writ petition, even the cross-examination of the Respondent / wife over. In view of the same, the cause for filing this writ petition has been rendered infructuous. The writ petition is accordingly disposed of.

[V. K. JADHAV, J.]