

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

926 WRIT PETITION NO. 5061 OF 2017

SAU. TULSABAI PRAFUL RAJEGORE
VERSUS
PRAFUL BALAJIRAO RAJEGORE

...
Advocate for Petitioner : Mr. Gopal D. Kale.
Advocate for Respondent : Mr. Vaibhav B. Dhage.
...

CORAM : **V. K. JADHAV, J.**
DATE : 24th January, 2018.

ORDER:

. The Respondent / husband has filed Hindu Marriage Petition No.37 of 2016 before the Civil Judge Senior Division, Nanded for a decree of divorce on the ground that the Petitioner / wife is suffering from Schizophrenia. The Petitioner / wife though put her appearance in the Hindu Marriage Petition, failed to file the written statement and as such, on 11th July, 2016, the Trial Court has passed "No W.S." order. The Petitioner / wife has filed an application for setting aside said "No W.S." order, however, the Trial Court has rejected the said application as well as the application for review of the order. Hence, this writ petition.

2 The learned counsel for Petitioner submits that the

Petitioner / wife has already submitted her written statement alongwith the application for setting aside “No W.S.” order. She may be given one chance to contest the Hindu Marriage Petition on merits by accepting her written statement. The learned counsel submits that the Petitioner / wife is not in a position to pay the costs.

3 The learned counsel for Respondent / husband submits that the Petitioner / wife has not filed the written statement within the stipulated period. Further, the said petition is pending since 2016. The learned counsel in the alternate submits that the Trial Court may be directed to dispose of the pending Hindu Marriage Petition expeditiously.

4 In view of the above submissions, I am inclined to grant one opportunity to the Petitioner / wife to defend the petition on merits. Hence, the following order:

ORDER

- I. The writ petition is hereby allowed in terms of prayer clauses (C) and (D). No costs.
- II. The Trial Court is hereby directed to disposed of

Hindu Marriage Petition No.37 of 2016 as expeditiously as possible preferably within a period of one year from the date of this order.

III. The writ petition is accordingly disposed of.

[V. K. JADHAV, J.]

ndm