

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

WRIT PETITION NO. 5973 OF 2016

Nandini Maruti Lole	... Petitioner
V/s.	
Maruti Bajirao Lole	... Respondent

Mr. Manisha Prajapati i/b Mr. S.V. Sadavarte for the Petitioner.

CORAM : K.K. SONAWANE, J.

DATE : 20th JULY, 2018.

P.C. :

1 Heard the learned Counsel for the Petitioner. Perused the Petition and impugned order passed below Exh.24 by the learned Family Court, Mumbai. The present Petition came to be filed by the Respondent-husband in the year 2016. This Court under order dated 07.10.2018, issue notice to Respondent. But, since then the matter is pending without further process as the Respondent-husband failed to supply the copy for service of notice to the Petitioner-wife

2 Today, learned Counsel for the Petitioner expressed inability to work out the matter for want of communication with the Petitioner. Admittedly, the impugned order came to be passed below Application Exh.24. The Respondent-wife raised the objection (Exh.24) to the mode and manner in which the affidavit by way of examination-in-chief of the wife drafted and submitted in the Court. Learned Trial Court rejected the application by imposing cost of Rs.2,000/- under Section 35 B of Civil Procedure Code. It is to be noted that there was no stay granted by this Court to the further proceeding pending before the learned Family Court filed under Section 13 of the Hindu Marriage Act.

3 In such circumstances, there is no propriety to keep the present Writ Petition awaiting for presence of the Petitioner for further compliance to secure presence of the Respondent-husband.

4 In the result, the Petition deserves to be dismissed for want of prosecution. Accordingly, Petition stands dismissed. No order as to costs.

(K.K. SONAWANE, J.)