

Shailaja

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISDICTION
WRIT PETITION NO. 4516 OF 2018**

Mrs. Pritidhara Jagdish Sahu] Petitioner

Vs.

State of Maharashtra & Ors.] Respondents

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Mr. Abhijeet K. Naik a/w Gayatri Naik i/b Rajesh P. Khobragade, for Petitioner.
Mr. J.A. Madane, A.G.P, for Respondent No.1-State.

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CORAM : R.G. KETKAR, J.

DATE : 18TH APRIL, 2018.

P.C.

Heard Mr. Naik, learned Counsel for the petitioner and Mr. Madane, learned A.G.P, for Respondent No.1-State at length.

2. The only prayer made in this Petition is to direct the learned Civil Judge, Senior Division, Kalyan to expedite hearing of Marriage Petition No. 954 of 2016 filed by the petitioner against respondent No.3 by fixing date of hearing.

3. In support of this Petition, Mr. Naik submitted that the petitioner has instituted Marriage Petition under Section 13 (1) (i-a) of the Hindu Marriage Act 1955 (for short "Marriage Act"). Though respondent No.3 availed several opportunities for filing written statement, he did not file written statement.

4. In view thereof, Court passed “no written statement order”. The Court further directed the petitioner to adduce evidence. In pursuance thereof, the petitioner filed affidavit of examination-in-chief. Thereafter, respondent No.3 filed application for condoning delay and taking written statement on record. That application was allowed and written statement of respondent No.3 was taken on record. He submits that after filing of the written statement till date, the petitioner has not filed additional affidavit of evidence and the same shall be filed within one week from today. He states that the learned trial Judge has fixed the matter on 23rd April, 2018 for framing issues.

5. In view of these submissions, the petitioner is permitted to file additional affidavit of evidence, if not already filed. Liberty is reserved to the petitioner to file application for expeditious disposal of the Petition.

6. Having regard to the fact that the petitioner has instituted Petition for seeking divorce in the year 2016, if such application is made, the learned trial Judge to pass appropriate order thereon. Petition is disposed of accordingly.

[R.G. KETKAR, J.]