

Shailaja

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE JURISDICTION

WRIT PETITION NO.9955 OF 2018

Amandeep Randhawa	]	Petitioner
Vs.		
Jehangir Salim Abdulla	]	Respondent

.....

Ms. Firdaus Moosa i/b Mr. Prakash Mahadik, for Petitioner.

Mr. Hitesh Vyas a/w Ms. Shirin Merchant, for Respondent.

.....

CORAM : R.G. KETKAR, J.

DATE : 4TH SEPTEMBER, 2018.

P.C.

Not on board. At the request of Ms. Moosa, taken up for admission.

2, Heard Ms. Mossa, learned Counsel for the petitioner and Mr. Vyas, learned Counsel for the respondent.

3. This Petition takes exception to the order dated 24th July, 2018 passed by the learned Judge, Family Court No.2, Mumbai below Exhibit 1 in Petition No. D-98 of 2016. By that order, the learned Judge directed the matter to proceed 'without written statement' of the petitioner. Rule. Mr. Vyas waives service. Having regard to the narrow controversy raised in this Petition as also at the request and by consent of learned Counsel for the parties, Rule is made returnable forthwith and the Petition is taken up for final hearing.

4. Writ Petition No.8867 of 2018 filed by the petitioner/wife was heard on 23rd August, 2018. In that order, assurance of Ms. Moosa that the

petitioner/wife will institute fresh Petition challenging “no written statement” order on or before 3rd September, 2018 and that she will also file verified written statement of the petitioner/wife along with the Petition was recorded. Ms. Moosa has tendered written statement verified by the petitioner before R.C. Singh, Notary Public Callifornia. She also assures that she will place photo copy of Written statement dated 28th August, 2018 on record. She further states that she has already served copy of this written statement on Mr. Vyas. Mr. Vyas submitted that the written statement is not verified before Indian Consulate, Callifornia. Every page of the written statement is not signed/initialled by the petitioner. It would be open for the respondent to raise these objections before the Family Court.

5. As the petitioner has complied the conditions stipulated in the order dated 23rd August, 2018, impugned order is set aside. The learned Family Court Judge will take written statement verified by the petitioner on 28th August, 2018 on record and will thereafter proceed with the matter in accordance with law. Rule is made absolute accordingly with no order as to costs. Liberty is reserved to the parties to make application for expeditious disposal of the proceeding having regard to the fact that the prayer made in the Petition is for custody of minor children. If such application is made, the Family Court Judge will pass appropriate order. The learned Family Court Judge is directed to decide application Exhibit 7 for interim relief namely interim custody expeditiously.

[R.G. KETKAR, J.]