

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.11152 OF 2017

Swati Savio D'souza alias Swati Rathod ... Petitioner
Vs.
Savio D'souza ... Respondent

Mr. Abhijit A. Joshi for Petitioner.
Ms Sarah Kapadia for Respondent.

CORAM : R. G. KETKAR, J.
DATE : FEBRUARY 28, 2018

P.C. :

Heard Mr. Joshi, learned Counsel for petitioner and Ms Kapadia, learned Counsel for respondent.

2. By this Petition under Article 227 of the Constitution of India, petitioner has challenged the order dated 09.11.2016 passed by the learned Judge, Family Court No.6, Mumbai in Petition No.A-2880 of 2014. By that order, the learned trial Judge, on his own, stayed proceedings of Petition No.A-2880 of 2014.

3. Ms Kapadia states that petitioner has instituted application on 02.02.2017 for recalling the impugned order and the said application is still pending. Mr. Joshi submits that though on several occasions, request was made to the learned Judge to dispose of that application, hearing is adjourned and the application is still not disposed of.

4. Without going into the merits of the controversy, in my opinion, ends of justice will be served by directing the learned trial Judge to decide the application dated 02.02.2017 made by the petitioner for recalling order dated 09.11.2016.

5. The learned trial Judge is, therefore, directed to decide the application dated 02.02.2017 made by the petitioner for recalling order dated 09.11.2016 within two weeks from today. All contentions of the parties, on merits, are expressly kept open. Ms Kapadia assures that respondent will extend full co-operation for disposal of the application in a time bound manner.

6. With the aforesaid directions, Writ Petition is disposed of. Trial Court to act upon the authenticated copy of this order.

(R. G. KETKAR, J.)

Minal Parab