

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****WRIT PETITION NO.14550 OF 2018**

Mrs. Rashmi Harjit Ahluwalia

...Petitioner

vs.

Mr. Harjit Ahluwalia

...Respondent

.....

Mr. Shahood Anwar Naqvi, for the Petitioner.

Mr. Harjit Ahluwalia, Respondent present in person.

.....

CORAM : M. S. SONAK, J.**DATE : DECEMBER 21, 2018****P.C.:**

. Heard Mr. Naqvi for the Petitioner and Mr. Harjit Ahluwalia, Respondent, who appears in person.

2. The challenge in this petition is to the orders dated 2 November 2018 and 14 November 2018, by which the Petitioner's cross-examination has been closed on ground of failure of her Advocate to attend the Court on 2 November 2018.

3. The record indicates that from March 2018, the witness, i.e. the Petitioner's sister-in-law, is in the witness-box. Hardly on one or two occasions, the Petitioner, or her Advocate, have remained absent. Taking into consideration this circumstance, as also the reason for which the Petitioner's Advocate could not remain present on 2 November 2018, the impugned orders are set aside, subject to the Petitioner paying costs of

Rs.1500/- in favour of the Respondent.

4. It is reported that the next date in the matter is 26 December 2018. Mr. Harjit Ahluwalia states that his sister will remain present in the Court on the next date. Learned Counsel for the Petitioner states that the Petitioner and her Advocate will proceed with the cross-examination on the said dates itself without seeking any adjournment for any reasons whatsoever. This statement is accepted. This is also one of the considerations for setting aside the impugned orders.

5. Accordingly, rule is made absolute in the aforesaid terms. All concerned to act on the basis of authenticated copy of this order. Costs to be paid on 26 December 2018 itself.

(M. S. SONAK, J.)