

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

WRIT PETITION NO.3938 OF 2019

Vikram Kamal Jagtiani		Petitioner
<u>Vs.</u>		
Anupama Sharma		Respondent

Mr. Ranbir Shekhawat i/by Raj Legal for the Petitioner.
Ms. Taubon F. Irani a/w Ms. Disha Shetty a/w Ms. Sechi Lodha i/by
Akhlaque M.S. Solkar for the Respondent.

Coram : **Smt. Sadhana S. Jadhav, J.**
Date : 23rd August 2019

P.C.:

1. The petitioner herein happens to be the respondent in Petition No.A-3118 of 2013. The application was filed by the petitioner below Exhibit 58 seeking issuance of summons to the witness and permit the witness to depose before the Court through video conferencing to prove the marriage.

2. It is pertinent to note that according to the petitioner, the marriage was registered before the City Clerk, New York. It is pertinent to note that in the application seeking witness summons, the name of the witness has not been mentioned.

3. Learned counsel has submitted that the petitioner is not aware as to who is officiating and seeks summons to a person holding the said post. However, the learned counsel for the respondent has fairly conceded to allow the petitioner to summon the proposed witness and examine him through video conferencing. However, it is a matter of fact that till today, the witness has not been identified and the records which have to be produced are not mentioned in the application below Exhibit 58, since the learned counsel for the respondent has fairly conceded, the order dated 1st January 2019 deserves to be quashed and set aside.

4. The petitioner had then filed an application seeking witness summons to Mr. Peter Beltrez, who according to the petitioner, was the witness to the marriage, which was conducted before the City Clerk. The Petitioner had also filed an affidavit of the proposed witness. It is prayed that the said witness be also examined through video conferencing. The said affidavit is notarised before the Notary Public, State of New York. The

admissibility of the said affidavit is to be decided by the Family Court before examining the said witness through video conferencing. However, the certificate of marriage registration dated 21st April, 2008 is the disputed document and the genuineness and admissibility of the said document would also be a subject matter to be ascertained by the Family Court.

5. In view of above discussion, the orders dated 1st January 2019 and 9th January 2019 are quashed and set aside.

6. Learned Family Court shall not be influenced by the observations made in this order as the learned counsel for the respondent has fairly conceded and has left the admissibility and genuineness of the said document to the discretion of the Family Court. The concession is given without prejudice to the rights of the respondent. The proceedings are expedited.

(Smt. Sadhana S. Jadhav, J)

Note : Order corrected as per speaking to minutes of the order dtd. 30th August, 2019.