

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.14035 OF 2018

Dr. Sarika Sandeep Shetty ... Petitioner
Vs.
Dr. Sandeep Shekar Shetty ... Respondent

Ms S. Kapadia i/b. Ms Kokila Kalra for Petitioner.
Mr. Sajjan Oommen i/b. Ghazala Z. Khan for Respondent.

CORAM : R. G. KETKAR, J.
DATE : JANUARY 31, 2019

P.C. :

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

2. This Petition takes exception to the order dated 21.06.2018 passed by the learned Judge, Family Court No.5, Bandra below exhibit-79 in Petition No.A-1019 of 2017.

3. Rule. Mr. Oommen waives service for the respondent. At the request and by consent of the parties, Rule is made returnable forthwith and the Petition is taken up for final hearing.

4. One of the contentions raised by Ms Kapadia is that the learned trial Judge did not assign any reason while passing the impugned order. Mr. Oommen, on the other hand, submitted that the impugned order is passed by the consent of the parties.

5. A perusal of the impugned order does not indicate that the said order is passed by the consent of the parties. As the impugned order does not record any reason, it is liable to be set aside and is accordingly set aside. Application exhibit-79 is restored to the file of the learned trial Judge. The learned trial Judge will dispose of the said application within 4 weeks from today and pass reasoned order. Rule is made absolute accordingly with no order as to costs.

(R. G. KETKAR, J.)