

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.2138 OF 2020**

Jigisha Jairaj Mistry .. Petitioner

Vs.

Jairaj Shashikant Mistry .. Respondent

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Mr. Vishal Kanade with Mr. Shashwat Rai i/b Keystone Partners
for the Petitioner.

Mr. Mandar Soman for the Respondent.

Both the Petitioner and the Respondent are present in the Court.

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CORAM: SMT. BHARATI DANGRE, J.

DATED : 03th MARCH, 2020.

P.C:-

1. The Petitioner and the Respondent are present in the Court.

2. The present Writ Petition is disposed of with a limited indulgence by consent of both the parties and in the wake of the order of the Hon'ble Apex Court dated 08/03/2019

which directed the Family Court, Bandra to dispose of Divorce Petition; being Petition No.A-1145 of 2013 preferably within six months from the date of receipt of copy of the order.

3. With the said order being in framework, the Application filed by the Petitioner vide Ex-98 seeking permission of further cross-examination of the Respondent has been declined.

4. No fault can be found in the order passed by the Family Court, Bandra since going strictly by the Application, which prayed that the permission be granted for six hours to cross-examine the Respondent and, therefore, the Family Court by the impugned order rejected the same.

5. The parties are at consensus that the said cross-examination could not have been completely declined but it can be constricted to four sessions of one hour each. The consent is accorded by the Respondent subject to one stipulation being, consideration of the Application (Ex-100) which was filed by the Respondent for recalling the witness for the purposes of taking documents listed at Ex-33 and which are to find place in Paragraphs 49, 54 and 55 of the Additional Affidavit Examination-in-chief. The learned counsel for the Petitioner accords his no objection for exhibiting the documents contained in the paragraphs mentioned in the Application admitting existence of the documents since they are

the Income-Tax Returns and other miscellaneous documents of like nature. The Family Court to exhibit the same.

6. In the highly contested matrimonial matters, sometimes, the parties consume slightly longer time. But, after all, it is the question of their life. Merely on the ground that the matter is getting prolonged can be no ground to deny the Petitioner the right to cross-examine, when the parties agree that the same is necessary for effective adjudication. Since the parties have arrived at a consensus and submit to the Court that they would abide by the timeline, the impugned order is set aside. The Family Court, Bandra, is directed to permit the cross-examination of the Respondent restricting it to four sessions of one hour each and this should be done without any further delay.

7. In the light of the statement made by learned counsel for the Petitioner, the learned counsel for the Respondent makes a statement that he would not press Ex-100 before the Family Court.

[SMT. BHARATI DANGRE, J.]