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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.9770 OF 2019**

Mrs. Kaajal Amar Ahuja Petitioner.
V/s
Mr. Amar Ishwarlal Ahuja Respondent.

Mrs. Seema Sarnaik for the Petitioner
Mr. Mihir Raje for the Respondent.

CORAM: NITIN W. SAMBRE, J.

DATE: FEBRUARY 12, 2020

P.C.:-

1] In view of matrimonial discord, Respondent-husband initiated proceedings for divorce on the ground of cruelty. In the said proceedings, Petitioner-wife moved an application giving inventories and as inventories were not answered, Application Exhibit-185 came to be moved for dismissal of the application for divorce.

2] Learned Counsel for the Respondent on instructions informs that recording of evidence of Respondent-husband is already completed and Petitioner-wife has stepped into the witness box.

3] In the aforesaid ground, in response to court's query, learned

Counsel for the Petitioner submits that since issue raised in the Petition can still be gone into and Court needs to decide the Petition on merit. According to her, consequences of non-compliance of the order passed pursuant to provisions of Order XI Rule 21 of CPC must follow.

4] Considered the said submissions.

5] Since inventories answered were not to the satisfaction of the Judge of the Family Court so also the Petitioner, it was open for the Petitioner-wife to confront Respondent-husband while recording his evidence.

6] In the aforesaid background, in my opinion, the present Writ Petition has rendered infructuous as recording of evidence of the Husband is over.

7] Petition accordingly stands disposed of.

(NITIN W. SAMBRE, J.)