

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

WRIT PETITION NO.12887 OF 2019

Mrs. Namrata Zakaria Petitioner

Vs.

Mr. Rajiv Hiranandani Respondent

Mrs. Taubon F. Irani for Petitioner

Mr. R.T. Lalwani a/w Mr. Prakash Mahadik for Respondent.

Coram : NITIN W. SAMBRE, J.

Date : 24th January, 2020

P.C.:

1. The learned counsel for the Petitioner expressed regret for the use of language in the Praeipce dated 23rd January, 2020 particularly in regard to attributions to this Court and makes a motion for withdrawal of the same unconditionally.

2. The motion is accepted. The Praeipce is permitted to be withdrawn.

3. An oral request is made by the learned counsel for the Petitioner for permitting continuation of cross-examination of the

respondent for one more Session of two hours before the Family Court, which prayer is objected by the learned counsel for the respondent.

4. Learned counsel for the respondent-husband would urge that the Court for the reasons recorded while allowing the petition has granted two sessions of two hours each, whereas the Petitioner has already conducted and the respondent has undertaken cross-examination of 5 ½ hours. According to him, the prayer for extension of cross-examination is liable to be rejected.

5. In my opinion, in the light of scheme of Chapter X of the Evidence Act, provisions of Section 15 of the Family Courts Act, the conduct of the parties before the Family Court during the course of recording of cross-examination of the Petitioner on last dates, it will be appropriate to extend the time of one session of two hours for only one day, which the Family Court shall decide as per it's convenience.

6. As such the request is allowed to the above extent.

(NITIN W. SAMBRE, J.)