

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

Writ Petition No. 3542 of 2020

Hemali Namdeorao Nete Vs. Umesh Madhukarrao Wuike

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. N.A. Jachak, Advocate for the petitioner

CORAM : MANISH PITALE, J.

DATED : DECEMBER 21, 2020

Heard learned counsel for the petitioner.

2. By this Writ Petition, the petitioner has challenged order dated 13/02/2020, passed by the Family Court at Nagpur, whereby an application filed by the petitioner has been rejected.

3. A perusal of the said application would show that the petitioner is seeking a direction to the respondent to eschew irrelevant matters stated in affidavits at Exhs.60 and 63 and then a direction is sought to the respondent to file a fresh affidavit only in order to prove controversy involved in the matter. A further prayer is made for declaring that the affidavits filed by the respondent are not in consonance with the Order 18 of the Code of Civil Procedure, 1908.

4. The Court below has taken note of the nature of the application filed on behalf of the petitioner and it is found that the respondent (petitioner before the Court below) is ready for cross-examination and that truth before the Court can certainly be brought in the process of cross-examination. It is specifically noted that the application is moved by the petitioner for prolonging the matter.

5. This Court has given its consideration to the application, the nature of prayers made therein and the impugned order passed by the Court below.

6. This Court agrees with the conclusion rendered by the Court below that the petitioner herein had moved the said application only to prolong the matter. There is no substance in the grounds sought to be raised on behalf of the petitioner before this Court.

7. Hence, dismissed.

JUDGE