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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.2111 OF 2020**

Reena Maharana

....Petitioner

V/s

Kartik Chandra Maharana

.....Respondent

Mr. S.J. Mishra a/w Pushpa Tiwari i/b SRS Legal for the Petitioner.

Ms. Tejashree Joshi i/b Mr. Jitendra H. Oak for the Respondent.

CORAM: NITIN W. SAMBRE, J.

DATE: OCTOBER 04, 2021

P.C.:-

1] Exhibit-24, an application moved by the Petitioner for directing Respondent-husband to disclose details of movable and immovable assets, came to be rejected vide impugned order dated 13/11/2019. As such, this Petition.

2] After having heard respective Counsels for sometime, it is noticed that Family Court has recorded that parties are absent, whereas Counsel for opponent was present. Roznama speaks of presence of Counsel for the Petitioner, whereas Petitioner in person was absent and the Respondent so also Counsel for Respondent were absent. It appears that while passing the order impugned, Court below has recorded finding of fact by recording absence of parties though Counsel for the Petitioner was very much present.

3] As such, it was expected of the Family Court to deal with the prayer made in the application on merit after hearing parties, may be if required, through their respective Counsel.

4] In that view of the matter, order impugned passed below Exhibit-24 is hereby quashed and set aside. Application – Exhibit-24 stood restored to the file of the Family Court.

5] Counsel for the Petitioner undertakes to file affidavit in support of Application – Exhibit-24 within a period of two weeks from today. Respondent-husband shall be at liberty to respond to the same within a period of four weeks thereafter.

6] It is expected of the Family Court to decide the said Application - Exhibit -24 after following the aforesaid calendar expeditiously.

7] Writ Petition is disposed of in the above terms.

(NITIN W. SAMBRE, J.)