

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.10536 OF 2022

Padmesh Jaynarayan Ladda
Age : 34 years, Occu : Business,
R/o. Flat No.704, Building No. F-2,
Gangadham Society, Phase-2,
Bibwewadi, Pune

.. Petitioner

Versus

Priyanka Padmesh Ladda
Age : 30 years, Occu : Household,
R/o. Row House No.9,
Near Dwarkanagari, Waluj, M.I.D.C.,
Aurangabad.

.. Respondent

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Mr. Krishna P. Rodge, Advocate for the petitioner
Mr. B.S. Dhawale, Advocate for the Respondent

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CORAM : SANDEEP V. MARNE, J.

DATE : 19-10-2022

ORAL JUDGMENT :

. Heard. Rule. It is made returnable forthwith.
Mr. B.S. Dhawale, learned advocate waives notice on behalf of the respondent. At the joint request of the parties, the matter is heard finally at the admission stage.

2. This petition is filed challenging the order dated 17.08.2022 by which the Family Court, Aurangabad has rejected the petitioner's application for recall of 'no cross' order. No cross order was passed on 04.05.2022. Upon an application being made by the

petitioner, he was granted opportunity to cross-examine the witnesses subject to payment of costs of Rs.5,000/-. The petitioner however defaulted. Accordingly, he lost the opportunity granted to him. The petitioner filed application for recall of 'no cross' order which has been rejected by order dated 17.08.2022. Considering the conduct of the petitioner, this is actually not a fit case for interference by this Court in exercise of its jurisdiction under Article 227 of the Constitution of India. However, by way of indulgence the petitioner is granted one more opportunity to cross-examine the witnesses subject to payment of costs.

3. The Writ Petition is accordingly allowed by setting aside the order dated 17.08.2022 passed by the Family Court, Aurangabad in H.M.P No.390 of 2019. The next date before the Family Court is 09.11.2022. The petitioner shall examine all the three witnesses on 09.11.2022.

4. In addition to the costs of Rs.5,000/- imposed by the Family Court, Aurangabad, the petitioner - husband shall pay costs of Rs.25,000/- directly to the respondent-wife. The Demand Draft of Rs.30,000/- shall be handed over by the petitioner to the respondent on 09.11.2022.

5. Writ petition is disposed of. Rule made absolute.

(SANDEEP V. MARNE, J.)

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GGP