

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

WRIT PETITION NO.14496 OF 2021

NIKITA AMIT AGRAWAL
VERSUS
AMIT RAMESHKUMAR AGRAWAL

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Advocate for the Petitioner : Shri Amit A. Yadkikar a/w Shri Shyam
Jawale, Shri Akshay Kulkarni and Shri Harshal Acharya

Advocate for the Respondent : Shri Vishwajit R. Jain (Kamboj)

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CORAM: SMT. BHARATI H. DANGRE, J.

DATE :- 21st February, 2022

Per Court:

1. Heard the learned counsel for the petitioner and the respondent.
2. The petitioner/ wife is aggrieved by the order passed by the Family Court, Aurangabad, on 14.10.2021 below exhibit-84, seeking adjournment in Petition No.A-142/2018. This application came to be rejected in the wake of the earlier order passed by the learned Judge on 21.09.2021 when similar applications for adjournments filed by the wife vide Exhibits 69, 72, 74 and 79 came to be rejected.
3. While rejecting the application filed below exhibit 84, the learned Judge recorded that the wife is projecting the same reason and excuse for adjournment, which is not justified and therefore, he directed

the case to be fixed for evidence.

4. The learned counsel for the petitioner and the respondent express a consensus to schedule the hearing of the Petition No.A-142/2018 in the first week of June, 2022, since their child is likely to take up the examination of ICSE Board for the year 2021-2022, and which is likely to commence from April, 2022 and as a mother, the petitioner/ wife has to cater to the needs of a child and give priority to the same above the court proceedings and there cannot be any quarrel about this proposition, since it is crucial examination for the child and his future depends upon it's outcome.

5. My attention is invited to the order passed by the Hon'ble Apex Court on 15.11.2021, when the wife has filed the application for transfer of the divorce petition filed by the husband from the Family Court, Aurangabad to the Court at Ujjain in Madhya Pradesh and while rejecting the said request, the Hon'ble Apex Court had issued the direction to conclude the proceedings of divorce petition within a period of 09 months. At the same time, the observation of the Hon'ble Apex Court is to the effect that the Family Court, Aurangabad, shall fix successive/ consecutive dates as may be convenient to the petitioner/ wife. This prompted this Court to grant interim relief in favour of the petitioner on 21.12.2021.

6. However, since it is agreed between the parties that the wife

shall attend the proceedings before the Family Court at Aurangabad from the first week of June, 2022, by that time the examination of her son would be over, the parties shall make a request to the Family Court to take up the proceedings expeditiously and if required on day to day basis.

7. It is also informed that the matter is left at the stage of examination and the record would reveal that the right of the wife to cross examine the husband has been forfeited by order dated 21.09.2021 and when she sought setting aside of the said order, her application vide exhibit 84 is rejected vide the impugned order.

8. In the wake of the understanding arrived at between the parties, the order dated 21.09.2021 passed below exhibit 76 along with the order dated 14.10.2021 passed below exhibit 84, are set aside and the petitioner/ wife shall be permitted to cross-examine the respondent/ husband and the proceedings shall be resumed from that stage, from the first week of June, 2022.

9. The Family Court at Aurangabad is directed to adjourn the proceedings of Petition No.A-142/2018 till 31st May, 2022 and shall schedule the cross-examination in the first week of June, 2022.

The proceedings in the said petition shall be concluded on or before 15.08.2022, in terms of the directions of the Hon'ble Apex Court. It is made clear that the learned Judge shall strictly abide by the timeline specified by the Hon'ble Apex Court and both the parties shall render their

cooperation to the learned Judge in adhering to the said timeline.

10. With the aforesaid directions, the Writ Petition is disposed of.

kps

(SMT. BHARATI H. DANGRE, J.)