

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

WRIT PETITION NO. 14503 OF 2021

Ashwini Dinesh Kuhite

...Petitioner

Versus

Dinesh Ramdhan Kuhite

...Respondent

.....

Shri. Girish N. Kulkarni (Mardikar), Advocate for the petitioner

Shri. S. D. Hiwrekar, Advocate for respondent no. 1

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CORAM : BHARATI H. DANGRE, J.

DATE : FEBRUARY 10TH, 2022

PER COURT : -

1. The petitioner is aggrieved by an order passed by the Family Court on 14.10.2021 where without referring the parties to the Counsellor, the proceedings filed by the respondent-husband in the form of Petition No. A-118/2021 under Section 11 of the Hindu Marriage Act was directed to proceed and the petition is directed to be proceeded without the written statement of the petitioner.

2. On hearing the learned Counsel for the petitioner and the Counsel for the respondent, it appears that at one point of time the petitioner appeared before the court and accorded her no-objection to grant the relief prayed by the respondent. The learned Counsel for

the respondent, however, states that this was under some *bona fide* intention and though he made an attempt to submit that there was some coercion which compelled her to give such an undertaking, since it is not to be borne from the record, it cannot be believed. However, it appear that the learned Family Court is not justified in passing the 'no-written statement' order, particularly in the wake of the statement being filed by the parties to the effect vide Exh. 'A' that there is a possibility of settlement between the parties. In any case, the order of 'no-written statement' deserve to be set aside and the petitioner be permitted to file her written statement within a period of four weeks from today. The learned Judge, Family Court is also requested to refer the parties to the Counsellor, since the Counsel for the petitioner states that the petitioner is ready for some amicable solution, provided the respondent cooperate.

. In the wake of the above, by setting aside the impugned order, the Family Court is directed to permit the petitioner to file a written statement within a period of four weeks from today.

3. The writ petition is accordingly disposed off.

[BHARATI H. DANGRE]
JUDGE