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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL WRIT PETITION NO. 6519 OF 2021

SAVITA DNYANESHWAR RATHOD

....PETITIONER.

V/s.

DNYANESHWAR BABU RATHOD

.....RESPONDENT.

Mr.Prathamesh Naik, Advocate i/by Kamalesh P. Mali for the
Petitioner.

Mr. Devidas Jadhav, Advocate i/by Dhananjay V. Kendre for the
Respondent.

CORAM : NITIN W. SAMBRE, J.

DATE: FEBRUARY 28, 2022.

P.C.:

1. Mr. Prathamesh Naik, learned counsel for the Petitioner, informs that if one chance is given, Petitioner shall complete cross – examination of the Respondent and shall also assist the Court in expeditious disposal of the present proceedings. He would further invite attention of this Court to statutory right of the Petitioner to cross-examine the Respondent based on the provisions of the Civil

Procedure Code. He would claim that at the relevant time, in view of the travel restrictions imposed by the Government during the pandemic, the Petitioner was unable to attend the proceedings, which has resulted into denial of an opportunity. Counsel for the Respondent would oppose the prayer and urge that the Petitioner is instrumental in protracting divorce proceedings. According to him, the Court may impose heavy costs on the Petitioner.

2. I have considered the said submissions.

3. Since the submission is made by the learned counsel for the Petitioner on instructions that cross-examination of the Respondent will be completed within one day, if liberty to that effect is given, same is accepted as an undertaking.

4. In view of the above, Order passed below Exh. 44 is hereby quashed and set aside. Application Exh. 44 is allowed subject to the Petitioner completing cross-examination of the Respondent on the

next date of hearing.

5. Petition stands allowed in the above terms.

[NITIN W. SAMBRE, J.]