

PMB

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.996 OF 2022

Dale Anthony Edwards ..Petitioner

vs.

Samantha Dale Edwards ..Respondent

Mr. Ganesh Y. Mirashigaonkar for petitioner.

Ms. Asha Joshi for respondent.

CORAM : M. S. KARNIK, J.

DATE : SEPTEMBER 8, 2022.

P.C. :

1. Learned counsel for the respondent-wife appears and submits that she will file Vakalatnama in the office during the course of the day.

2. Learned counsel for the respondent on instructions of the respondent, who is personally present in the Court, submits that she has no objection if this writ petition is allowed, however, prays that as the petition is of the year 2015, the litigation before the Family Court should not be protracted at the instance of the petitioner and hence, it is necessary to expedite the hearing of the petition.

3. In this view of the fair stand taken on behalf of the respondent, the impugned order is set aside. The writ petition is allowed in terms of prayer clause (a) which reads thus :-

“a) Rule be issued, Record and proceedings be called for; This Hon’ble Court may be pleased to quash and set aside the impugned Judgment and order dated 12-10-2021 passed by the Ld. Family Court Judge, Bandra Division, Mumbai, below Exhibit 48 in Petition No.A-1333 of 2015 and further may be pleased to allow the application below Exh.48 in Petition No.A-1333 of 2015 filed by the Petitioner.”

4. The writ petition is allowed subject to payment of cost of Rs.5,000/-. Learned counsel for the petitioner assures that the cost will be paid to the respondent on 06.10.2022.

5. The petitioner is permitted to cross-examine the respondent. Parties to appear before the Family Court on 06.10.2022 when the matter is listed before the Family Court. An assurance is given on behalf of the parties that they will co-operate with the Family Court in expeditious disposal of the petition and that unnecessary adjournments will not be asked for.

6. Considering that the matter is of the year 2015 and

that the same has reached the stage of evidence, the Family Court is requested to make an endeavour to decide the petition as expeditiously as possible and preferably by the end of May 2023.

7. The writ petition is disposed of.

(M. S. KARNIK, J.)