

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 3925 OF 2021
IN
WRIT PETITION NO. 4175 OF 2021**

Shefali Akshay Dewani

....Applicant

Versus

Akshay Kishore Dewani

....Respondent

Mrs. Taubon F Irani A/w Tasneem Siddique A/w Disha Shetty, Shefali Dewani Advocate for the Applicant.

R.T. Lalwani a/w Sathana Jayakar lalwani a/w J.K. Shah, Pooja Shah i/by RJ Law Advocate for the Petitioner/husband.

CORAM : S. G. DIGE, J.

DATE : 8th DECEMBER, 2022.

P.C. :

1. Heard learned counsel for applicant and learned counsel for respondent. By this Interim Application, applicant pressed for restoration of writ petition no.4175 of 2021.
2. Learned counsel for applicant submits that applicant had cross-examined the respondent on 7 dates. On the day of cross-examination, applicant filed an application

for adjournment before the Family Court on the ground that father of the applicant was down with cancer and on medical ground adjournment was sought. The said adjournment was granted, thereafter, matter was posted on 13th July 2021 on that day. When applicant sought adjournment on same ground it was refused and right of cross-examination of the applicant was closed. The said order was challenged by the applicant before this court by filing this writ petition. Thereafter, the family court also closed the evidence of the respondent. After closing of the evidence of the respondent, applicant withdrew the writ petition filed by applicant. Now, the respondent has filed writ petition against the closer of evidence, if this Court inclines to allow the writ petition of the respondent, the writ petition filed by applicant be restored and the applicant be given opportunity of cross-examine the respondent.

3. Learned counsel for respondent submits that appropriate order be passed.

4. Considering the submissions of both learned counsel, Interim Application is allowed. Writ petition No. 4175 of 2021 is restored.

(S. G. DIGE, J.)