

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Writ Petition No.963/2018

Ganesh Thawle V Sangita Thawle

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Ms. Shraddha S. Gandhi, Advocate for petitioner.

Mr. R.S. Jadhav, Advocate for respondent.

CORAM : AVINASH G. GHAROTE, J.

DATE : 01-08-2022

Heard Ms Shraddha Gandhi, learned Advocate for the petitioner and Mr. R.S. Jadhav, learned Counsel for the respondent.

2. This petition challenges the order dated 10-11-2017, whereby the evidence of the petitioner is closed. Mr. Jadhav, learned Counsel for the respondent submits that though sufficient opportunity was granted from the date when it was first fixed for evidence which was 25-10-2017, in spite of the fact that the matter was adjourned on 02-11-2017 and 10-11-2017 since the petitioner and his counsel were absent, the evidence of the petitioner was closed.

3. The petition is admittedly filed under Section 13(1)(i-a)(i-b) of the Hindu Marriage Act. The record indicates

that it was listed for the first time on 25-10-2017 and thereafter on 02-11-2017 and 10-11-2017, on which date the evidence of the petitioner came to be closed. That being the position, it is apparent that considering the nature of the proceedings a reasonable opportunity ought to be granted to the petitioner to adduce evidence, more so, as the affidavit of evidence in lieu of oral evidence on behalf of petitioner, is already on record.

4. The impugned order is, therefore, quashed and set aside. The petitioner is permitted to adduce his evidence.

5. The petitioner is directed to appear before the learned Lower Court on 22-08-2022 and continue with the evidence.

6. The respondent shall cross examine the petitioner on the same date.

7. Petition is allowed accordingly.

(Avinash G. Gharote, J.)