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

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**INTERIM APPLICATION NO.1879 OF 2023
IN
FAMILY COURT APPEAL (ST) NO.4792 OF 2023**

Saina Ruzben Bharucha

.. Appellant

Versus

Ruzben Nariman Bharucha

.. Respondent

Mr.Anu Narula i/b Ganesh Gupta, Advocate for the Applicant.

**CORAM : B. P. COLABAWALLA &
M.M. SATHAYE, JJ.**

DATE : JUNE 23, 2023

P. C.

1. The above appeal is filed impugning the order dated 18th January, 2023 passed below Exhibit-1. This order was passed in an Application filed by the Appellant wife for recall/modification of the order dated 23rd October, 2021. The order dated 23rd October, 2021 was also an order passed below Exhibit-1 under which directions were given to the parties as to how the cross examination would be conducted.

2. The operative part of this order reads thus:-

“ **ORDER**

1. *The petitioner shall appear in the Court for cross-examination by the advocate of respondent.*
2. *The respondent shall remain in the Court in such manner that there shall not be an eye contact in between the parties.*
3. *The respondent shall not make any contact with the petitioner either physically and verbally.*
4. *The respondent would be able to hear the cross-examination and communicate with her lawyer as and when required during the cross-examination, whereas respondent can request her lawyer/junior to go to her for instructions.*
5. *The petitioner shall sit in a such manner that both will not be visible to each other and would be able to hear, the cross-examination.*
6. *Both the parties shall not act in such manner, which will be putting an obstruction to the cross-examination.”*

3. When we put it to the learned counsel appearing on behalf of the Appellant as to how the present appeal is maintainable in view of Section 19(1) of the Family Courts Act, 1984, the learned counsel sought leave to withdraw the above Appeal with liberty to file appropriate proceedings to challenge the impugned order along with order dated 23rd October, 2021.

4. In these circumstances, the above Appeal is dismissed as withdrawn with liberty as prayed.

5. In light of the dismissal of the Appeal, nothing survives in the above Interim Application and the same is disposed of accordingly.

6. We may clarify that we have not opined on the merits of the matter and if any proceedings are filed challenging the orders mentioned above, the same shall be decided on its own merits and in accordance with law.

7. This order will be digitally signed by the Private Secretary/ Personal Assistant of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.

[M.M. SATHAYE, J.]

[B. P. COLABAWALLA, J.]