



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.13268 OF 2023

Bhawana Thadhaney d/o Dilip Thadani ... Petitioner.

Versus

Vicky Kripalani ... Respondent.

Ms. Ishika D. Tolani, Advocate for the Petitioner.
Mrs. Jalasa Nambiar for the Respondent.

CORAM : SHARMILA U. DESHMUKH, J.
DATE : November 03, 2023.

P. C. :

1. The petition has been filed seeking direction to the Family Court, Bandra to adjudicate the execution petition bearing RD Application No.357 of 2022 in an unreasonable time bound period of one month. The R.D. Application has been filed in the year 2022. In support of this unreasonable period sought for deciding the R.D.Application within a period of one month, there is no statistical data which has been produced by the learned counsel for the petitioner to demonstrate that unreasonable adjournments are being granted by the Family Court or that there are any special circumstances which would justify the present petitioner's matter to be taken out of turn and being given special treatment.

2. The bar is required to be sensitive to the fact that, it is well known that on the board of the Family Court, there are atleast 60 to 70 matters listed every day. These include interim applications for hearing as well as final hearing matters, matters for evidence. In addition to that after the Court hours of the Family Court and in fact all other Judges are then required to deliver judgments, give dictations, correct orders etc. Without being sensitive to this fact, an application has been moved for deciding the matter of the year 2022 within a period of one month.

3. No doubt, the issue is a sensitive issue but it needs to be noted that the Family Court is dealing with those issues in almost every petition. In almost every petition, the litigant is either waiting for maintenance or for access the custody or divorce. It also needs to be noted that there are about 7 family court Judges for the entire city of Mumbai and there is huge institution of cases. I have no doubt that the Family Court Judges are doing their best to ensure that the matters are taken up, heard and disposed of. The roznama which is annexed to the present petition does not show that any adjournments have been granted by the family Court. The family Court is bound to follow the procedure which is being required by law and the same as

is well known is time consuming. The request for deciding the execution application within a period of one month can at the best be said to be very unreasonable.

4. As such, I am inclined to dismiss the petition with costs of Rs.15,000/-. The cost to be paid to the District Legal Services Authority, Mumbai Suburban, Mumbai. Writ Petition stands dismissed.

(Sharmila U. Deshmukh, J.)