

VRJ

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

WRIT PETITION NO.12328 OF 2023

VAIBHAV
RAMESH
JADHAV
Digitally signed by
VAIBHAV RAMESH
JADHAV
Date: 2023.10.06
14:15:40 +05'30'

Vidhi W/o Gaurav Arya Alias Vidhi D/o
Kailash Bansal

... Petitioner

V/s.

The State of Maharashtra & Anr.

... Respondents

Mr. Ashok M. Saraogi for the petitioner.

Mr. P. P. Pujari, AGP for respondent No.1/State.

Mr. Vikramaditya Deshmukh for respondent No.2.

CORAM : AMIT BORKAR, J.

DATED : OCTOBER 6, 2023

P.C.:

1. By this petition under Article 227 of the Constitution of India the petitioner is challenging order dated 13th September 2023 passed in Petition No.A-699 of 2015 passing no-cross order against the petitioner.

2. The respondent is original petitioner who filed petition for divorce bearing Petition No.A-699 of 2015 on the ground of cruelty. After written statement, the respondent filed affidavit in examination-in-chief. The affidavit was filed on 18th August 2023. The matter was, thereafter, kept on 13th September 2023. It appears that on 13th September 2023 no-cross order is passed against the petitioner as his advocate was absent.

3. Considering the rights of the parties and nature of the petition, it is necessary in the interest of justice that the petitioner be granted liberty to cross examine the respondent. However, the petitioner shall complete her cross-examination in two dates as fixed by the Trial Court. Hence, following order:

- a) The impugned order dated 13th September 2023 passed in Petition No.A-699 of 2015 is quashed and set aside.
- b) The petitioner is permitted to cross examine the respondent.
- c) The Trial Court shall fix the schedule of cross examination.
- d) The petitioner shall complete the cross-examination in two dates.

4. The writ petition stands disposed of. No costs.

(AMIT BORKAR, J.)