

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

WRIT PETITION NO.780/2021

Smt. Sonam w/o Rakshit Ramteke
...Versus...
Shri Rakshit s/o Siddharth Ramteke

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

Court's or Judge's orders

Mrs. S.P Giratkar, Advocate for petitioner
Ms Asavari Kale, Advocate h/f Shri R.N. Deshpande, Advocate for respondent

CORAM : AVINASH G. GHAROTE, J.

DATE : 09/01/2023

1. The writ petition challenges the order dated 27/03/2019, whereby the application for setting aside the No Written Statement (No WS) order has been rejected and so also the order dated 12/02/2019, whereby the evidence of the petitioner/wife has been closed. The proceedings are said to be still pending before the learned Family Court. Since the entire defence has been prevented because of the impugned order and in my considered opinion as matters have to be decided on merits, an opportunity needs to be granted to the petitioner to participate in the proceedings, considering which, both the orders are hereby quashed and set aside. The petitioner is directed to file written statement as well as affidavit in lieu of

evidence on record by 23/01/2023. The respondent is directed to cross-examine her on 30/01/2023 and the learned Family Court is directed to decide the matter on or before 28/02/2023.

2. The writ petition is partly allowed and disposed of accordingly. No order as to costs.

(AVINASH G. GHAROTE, J.)

Wadkar