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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2898 OF 2024

Poonam J. Shroff

...Petitioner

V/s.

Jaidev R. Shroff

...Respondent

Mr.Mustafa Doctor, Senior Counsel with Adv.Chandana Salgaonkar, Ms.Madhu Gadoghia, Adv.Anisha Nair and Adv.Udit Mehta i/b Naik Naik & Co. for the Petitioner.

Mr.Navroz Seervai, Senior Counsel Ms.Komal Joshi, Ms.Siddhi Doshi and Mr.Rohan Marathe i/b ALMT Legal for the Respondent.

CORAM : RAJESH S. PATIL, J.

DATE : 5TH MARCH, 2024.

P.C. :-

1. I have heard both the senior counsel, suffice will be the purpose if the Writ Petition is disposed of on certain directions.

2. Accordingly, the Writ Petition is disposed of on the following directions:-

(i). The impugned judgment and order dated 7 February

2024 passed in Exhibit – 57 in Petition No.A-2742 of 2015 is hereby quashed and set aside.

(ii). As a matter of last chance, the Petitioner is allowed through her advocate to cross-examine the sole Respondent via Video Conferencing only for four days i.e. 18 March, 2024, 19 March 2024, 20 March 2024 and 21 March 2024, between 11:15 a.m. to 1:30 p.m. (IST).

(iii). When the cross examination is conducted, the Petitioner is allowed to keep one of her representative to remain present in the hall on the aforesaid dates i.e. 18 March, 2024, 19 March 2024, 20 March 2024 and 21 March 2024 between 11:15 a.m. to 1:30 p.m. (IST). When the said cross-examination of the Respondent is being conducted at the place where the Respondent would be available for cross-examination, the Respondent through himself or through the advocate will inform in advance at least one week to the Petitioner or her advocate as to the place where he would be available for cross-examination on the scheduled dates. So also the Petitioner will at-least by 14 March 2024 inform the name of the person, who would be

attending the cross-examination at the place where the Respondent would be available.

(iv). Both the parties are directed to co-operate with the cross-examination, which is fixed from 18 March 2024 to 21 March 2024.

(v). It is made clear to both the parties that for any reason, if the representative of the Petitioner is not able to attend, cross-examination, the said cross-examination will be held as scheduled and will be completed on the scheduled dates.

3. The Writ Petition is accordingly disposed of.

4. By consent of both the parties, Writ Petition (Lodging) No.34439 of 2023 is also disposed of, in view of disposal of the present Writ Petition No.2898 of 2024.

(RAJESH S. PATIL, J.)