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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 3121 OF 2024**

Shweta w/o Akhilesh Khedwal

... Petitioner

VS.

The State of Maharashtra and Anr

... Respondents

Mr. Ashok Sarogi, for Petitioner.

Mr. Aseem Naphade a/w. Janhvee Joshi a/w. A.P. Singh i/b. A.P.
Singh and Co., for Respondent No.2.

CORAM : GAURI GODSE, J.

DATED : 2nd SEPTEMBER 2024

ORDER:

1. This petition takes an exception to the order passed by the learned Judge of the Family Court rejecting the petitioner's application for framing additional issues. The petition is filed by the wife to frame additional issues by exercising power under Rule 5 of Order XIV of the Civil Procedure Code, 1908 ('CPC') regarding the wife's claim of maintenance, accommodation and return of ornament which according to the petitioner were in the custody of the respondent-husband and his family members.

2. In view of the pleading of the petitioner in her written

statement regarding her claim of the ornaments as her streedhan, it was necessary that the issue with regard to her claim should have been framed.

3. Though the application for framing additional issues was objected by the respondent, learned counsel appearing for the respondent submits that the respondent would have no objection to frame the issue regarding the petitioner's claim for maintenance, accommodation, and return of ornaments.

4. I have perused the pleadings of the parties. Considered the pleadings of the parties regarding the petitioner's right to claim maintenance, accommodation, and return of ornaments as her streedhan as per the provisions of the Hindu Marriage Act, 1955. I am of the opinion that the proposed issue should have been framed by the learned Judge by exercising power under Rule 5 of Order XIV of CPC.

5. Since, the respondent agrees for framing additional issues no further reasons on the contentions that were raised by the respondent before the Family Court are required to be dealt with. Hence, by consent, the petition is allowed by passing the following order:

I) Impugned order dated 19th July 2023, passed by the

learned Judge, 7th Family Court, Mumbai below Exhibit-54 is quashed and set aside.

II) The application at Exhibit-54 is allowed.

III) Learned Judge of the Family Court is directed to frame the issue regarding the petitioner's entitlement of maintenance, accommodation, and return of ornaments.

IV) After the additional issues are framed, the parties are at liberty to adduce their respective evidence on the additional issues.

6. Parties are at liberty to make an appropriate application before the Family Court for expediting the trial.

7. Writ Petition is allowed in the aforesaid terms.

(GAURI GODSE, J.)