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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 11877 OF 2024**

Nirmala Mehernosh Gandevia ... Petitioner
vs.
Mehernosh R. Gandevia ... Respondent

Mr. Niyam Bhasin, for Petitioner.
Mr. Udayan Jain for Respondent.

**CORAM : GAURI GODSE, J.
DATED : 21st AUGUST 2024**

ORDER:

1. Heard learned counsel for the parties. This petition challenges the order passed by the Family Court on 18th July 2024. By the said order, the petitioner's application at Exhibit 60 is rejected. Exhibit 60 is the application filed by the petitioner for permission to recall the witness for further cross-examination. Though in Exhibit 60, there is no specific and clear prayer made as to which witness is to be recalled, the learned counsel for the petitioner submits that the petitioner wants to recall the respondent's evidence for further cross-examination. The said application at Exhibit 60 is rejected by the impugned order.

2. Learned Judge rejected the application by giving reasons that on 25th August 2022, the respondent had closed his evidence and thereafter the matter was posted for the petitioner's evidence. On 3rd October 2022, the petitioner had filed Examination-in-chief. Thereafter the matter has proceeded further and the application at Exhibit 60 is filed at the stage of final argument. Thus, the learned Judge has rejected the application on the ground that there is no sufficient cause given by the petitioner for filing an application at the stage of final argument. Dates referred by the learned Judge in the impugned order are not in dispute. Learned counsel for the petitioner sought to argue that since there was a complaint filed against the petitioner's earlier advocate in the bar council, she was unable to complete the cross-examination.

3. I do not find any substance in such an argument, in as much as after the respondent's evidence was closed the matter has proceeded further and the petitioner has participated in the trial. A perusal of the application at Exhibit 60 is bereft of any reasons for recalling the witness. I do not see any illegality or perversity in the impugned order. Hence, I do not see any reason to invoke powers under Article 227 of the Constitution of India.

4. Writ Petition is devoid of any merits and deserves to be

dismissed. For the reasons stated above, the Writ Petition is dismissed.

(GAURI GODSE, J.)