

in-chief is already filed by the petitioner. However, she was unable to remain present, and the same is not yet affirmed and the documents are not yet exhibited.

3. Learned counsel for the petitioner submits that only due to the petitioner's unavailability due to her job, she was unable to remain present before the court.

4. Notice of the petition is served upon the respondent. However, none appears for the respondent.

5. I have perused the papers. There is an evidence close pursis filed on behalf of the petitioner. However, the petitioner filed an application requesting to withdraw the pursis and permit her to lead her evidence.

6. The respondent-husband has not appeared before the Family Court. The petition is proceeded ex-parte against respondent. Learned counsel for the petitioner submits that the next date before the Family court is 31st December 2024. He submits on instructions that on the next date the petitioner shall remain present before the Family Court.

7. In view of the statement made on behalf of the petitioner and considering the facts of the case I am inclined to entertain this petition.

8. In view of the aforesaid this is a fit case where powers under Article 227 are required to be exercised.

9. The petition is allowed by passing the following order :

(i) Impugned order dated 1st August 2023 is quashed and set aside.

(ii) Application at Exhibit 30 filed by the petitioner is allowed and the petitioner is permitted to withdraw her pursis filed at Exhibit 29.

(iii) The petitioner shall remain present before the Family Court on the next date i.e. 31st December 2024 for recording evidence and further procedures.

(iv) Petition is allowed in the aforesaid terms.

[GAURI GODSE, J.]