



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

WRIT PETITION NO. 341 OF 2024

Krishna S/o. Baburao Talmale,
Aged about 41 years, Occ. Service,
R/o. 76, Papular Society, Wadi Naka,
Amravati Road, Nagpur – 440 023.

.... **PETITIONER.**

// VERSUS //

Priyanka W/o. Krishna Talmale,
Aged about 33 years, Occu.: Household,
R/o. C/o. Mahendra Kamdi, 65A,
Nutun Lodge, Behind Pakodewaala Gali,
Telipura, Sitabuldi, Nagpur.

.... **RESPONDENT.**

Ms Padma Chandekar, Advocate for Petitioner.

Ms Prajakta Lakhani, Adv.h/f.Shri M.P.Kariya, Adv. for Respondent.

CORAM : **ANIL S. KILOR, J.**
DATED : **FEBRUARY 09, 2024**

ORAL JUDGMENT :

1. Heard.

2. **RULE.** Rule made returnable forthwith. Heard finally by
consent of the learned counsel for the parties.

3. The order dated 06/01/2024 denying the petitioner to conduct cross-examination passed by the Principal Judge, Family Court, Nagpur in Petition No. A-255 of 2018 is under challenge in this petition.

4. It is evident from record that, on 06/01/2024 the matter was fixed for cross-examination of the respondent. The learned counsel for the petitioner was not available and therefore, a request was made to adjourn the matter, which was rejected and on the insistence of the Court, the junior colleague of the learned counsel for the petitioner started conducting the cross-examination. Thereupon, the learned Family Court closed the cross-examination.

5. Thereafter, an application was moved for fixing a date as 15th or 16th January 2024 so as to cross-examine the respondent on some important points. However, the said application came to be rejected.

6. Considering the fact that on the same day the application was moved and the difficulty was pointed out to the learned Family Court. The learned Family Court ought to have granted one opportunity to the petitioner.

7. It is informed that the next date is 14/02/2024. The learned counsel for the petitioner undertakes to cross-examine the respondent on that date for which the learned counsel for the respondent has no objection.

8. In that view of the matter, I am of the opinion that the petitioner is entitled for such opportunity. Accordingly, I pass the following order:

- i) The Writ Petition is allowed.
- ii) The impugned order dated 06/01/2024, passed by Principal Judge, Family Court, Nagpur in Petition No.A-255 of 2018 is hereby quashed and set aside.
- iii) The counsel for the petitioner shall cross-examine the respondent on 14/02/2024.

Rule is made absolute accordingly. No order as to costs.

(ANIL S. KILOR, J)