



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

907 WRIT PETITION NO. 4288 OF 2025

Namrata Shyam Gangadhare And Another
VERSUS
Shyam Shesherao Gangadhare

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Advocate for Petitioner : Mr. S.B. Ghatol Patil
Advocate for Respondent : Mr. V.P. Savant

CORAM : S. G. CHAPALGAONKAR, J.

Dated : July 16, 2025

PER COURT :-

1. Heard Mr. Ghatol, learned advocate appearing for the petitioners.
2. Petitioners impugns order dated 21.1.2025 passed by learned Judge Family Court, Nanded in Petition No.E-213 of 2021 below Exhibit-86, thereby setting aside the 'no cross' order.
3. Mr. Ghatol Patil learned advocate appearing for petitioners submits that respondent has failed to deposit the maintenance amount awarded under interim order passed by the Family Court and there are dues of about 6,03,000/-. According to Mr. Patil, unless respondent deposits dues of

maintenance amount, he could not have been permitted to cross-examine petitioner by setting aside the no cross order.

4. Mr. Savant, learned advocate appearing for respondent, however, supports impugned order and submits that petitioners cannot mix two independent issues.

5. Having considered the submissions advanced, impugned order simply sets aside the 'no cross order' passed against respondent by imposing the costs of Rs.300/-. The issue whether respondent is a defaulter of interim maintenance cannot be subject matter for considering application to set aside 'No Cross Order'. In case, petitioners feels aggrieved by non-deposit of maintenance amount, appropriate remedy available under law can be exhausted. However, looking to the reasons as given in the application, learned Family Court has rightly set aside the no cross order and permitted respondent to cross-examine the witness.

6. In that view of the matter, no case is made out to cause interference in Writ Jurisdiction. Hence writ petition stands **rejected.**

(S. G. CHAPALGAONKAR, J.)

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