



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

945 WRIT PETITION NO. 5072 OF 2024

Nikita Amit Agrawal

....Petitioner

VERSUS

Amit Rameshkumar Agrawal

.....Respondent

.....

Ms. N. A. Agrawal, Petitioner-in-person.

Mr. V. R. Jain, Advocate for the respondent.

CORAM : R. M. JOSHI, J.

DATE : 7th FEBRUARY, 2025.

PER COURT :

1. After hearing petitioner-in-person and learned counsel for respondent for some time, petitioner seeks a direction to the Trial Court to decide applications Exhibit 267 and 297 within a period of a week from today. According to her, the issue of academic year of her son is involved and hence appropriate direction be issued to that effect.

2. A query was raised to learned counsel for respondent as to whether replies are filed to said applications. He answered the said query in affirmative.

3. Insofar as applications Exhibit 267 and 297 are concerned, it is clear that the pleadings are complete.

4. Order impugned in this petition dated 15.05.2024 seems to have been passed on the premise that this Court has stayed the entire proceeding. The order passed by this Court dated 09.05.2024 in Writ Petition No. 4911/2024 only prohibits passing of final judgment in Special Civil Suit No. 146/2017. This, therefore, does not preclude the Trial Court to decide applications Exhibit 267 and 297.

5. Ordinarily, this Court is not expected to issue such directions calling upon the Trial Court to decide applications in short period of time. However, owing to the grievance made by petitioner that if the applications are not heard and decided expeditiously, irreparable loss will be caused to the child. Hence, in such exceptional circumstances, petition is disposed of in following terms :

ORDER

(i) Trial Court is directed to decide applications Exhibit 267 and 297 within a period of 10 days from today.

(ii) Parties are directed to appear before the Trial Court on Monday i.e. 10.02.2025.

(iii) Trial Court is directed not to grant adjournment to the parties on any ground whatsoever.

(iv) No further notice is required to be issued to the parties for this purpose.

(v) Even if the matter is not on board on 10.02.2025, Trial Court is directed to take the matter on board and to commence hearing of the applications.

(R. M. JOSHI)
Judge

dyb