

Arjun

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.12223 OF 2024

Sonia Chhabria ...Petitioner

Versus

Prakash Sadhuram Chhabria ...Respondent

WITH

INTERIM APPLICATION NO.3033 OF 2025

IN

WRIT PETITION NO.12223 OF 2024

Prakash Sadhuram Chhabria ...Applicant

IN THE MATTER BETWEEN:

Sonia Prakash Chhabria ...Petitioner

Versus

Prakash Sadhuram Chhabria ...Respondent

Mr. Aditya Pratap a/w Kajal Chari i/b Aditya Pratap Law Offices, for the Petitioner - Wife in WP/12223/2024 and for the Respondent – Wife in IA/3033/2025.

Mr. R. T. Lalwani a/w Sadhana Jaykar - Lalwani, J. K. Shah, Namrata Thakur & Pooja Shah i/b RJ Law, for the Respondent in WP/12223/2024 and for the Applicant in IA/3033/2025.

CORAM: MADHAV J. JAMDAR, J.

DATED: 26 FEBRUARY 2025

P.C.:

1. Heard Mr. Aditya Pratap, learned Counsel for the Petitioner and Mr. Lalwani, learned Counsel for the Respondent.

2. It is the submission of Mr. Aditya Pratap, learned Counsel for the Petitioner that the learned Judge, Family Court has not considered the merits and without considering the merits the Application bearing Exhibit - 65 filed in Petition No.A-2200 of 2019 has been rejected.

3. After arguing the matter for some time, Mr. Lalwani, learned Counsel for the Respondent, on instructions of the Respondent, who is personally present in Court, states that the Respondent has no objection if the said Order is set aside by keeping all contentions of the Respondent open.

4. Accordingly, by consent of parties, Order dated 6th June 2024 passed by the learned Principal Judge, Family Court, Mumbai below Exhibit - 65 in Petition No.A-2200 of 2019 is quashed and set aside and the said Application bearing Exhibit - 65 in Petition No.A-2200 of 2019 is restored to the file of the learned Family Court, Mumbai.

5. The learned Principal Judge, Family Court, Mumbai is requested to decide the said Application bearing Exhibit - 65 on merits after considering the submissions of both the parties preferably within a period of 8 weeks from today.

6. Accordingly, Writ Petition is disposed of in above terms with no order as to costs.

7. It is clarified that this Court has not considered the merits of the said Exhibit - 65 Application and all contentions of both the parties are expressly kept open.

8. As the Writ Petition is disposed of, nothing survives in the Interim Application and the same is also disposed of.

[MADHAV J. JAMDAR, J.]