

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.10044 OF 2025**

Ashwini Rahul Shinde	...Petitioner
<i>Versus</i>	
Rahul Chhagu Shinde	...Respondent

Mr. Omkar Dhakal a/w Bhavesh Vidhate, for the Petitioner.
Ms. Ashwini Bait, for the Respondent.
Mr. Vikramaditya Deshmukh, Advocate appointed

**CORAM: MADHAV J. JAMDAR, J.
DATED : 11th NOVEMBER 2025**

PC:-

1. Heard, Mr. Dhakal, learned Counsel appearing for the Petitioner and Ms. Bait, learned Counsel appearing for the Respondent.

2. As on earlier dates, parties expressed that they have settled the dispute and therefore, Mr. Vikramaditya Deshmukh, learned Counsel of this Court was appointed to assist the parties in drawing the Consent Terms. Accordingly, Mr. Vikramaditya Deshmukh, learned Counsel had prepared the Consent Terms by discussing with both the parties.

3. However, today, the parties state that, it is not possible for them to agree on all the terms. Thus, as the parties are not agreeable on all the terms, the said Consent Terms cannot be taken on record.

4. This Court places on record the appreciation of the assistance rendered by Mr. Vikramaditya Deshmukh, learned Counsel.

5. The challenge in this Writ Petition filed under Article 227 of the Constitution of India is to the order dated 20th May 2025 passed by the learned Judge, Family Court No.2, Mumbai below Exhibit-30 in Petition No.A-328 of 2019 by which the said Application filed on 11th April 2025 seeking setting aside “no cross” order dated 22nd August 2024 has been dismissed.

6. The learned Judge of the Family Court has recorded in the impugned order that the examination-in-chief of the Petitioner was filed in the year 2021 and the no cross order has been passed in August 2024. It is further recorded that no W.S. order has also been passed and the said order has not been challenged. The

learned Judge, Family Court also recorded that the Petitioner is taking judicial proceedings at her leisure and convenience and that the Petitioner has not given any reason and therefore, rejected the Application.

7. Mr. Dhakal, learned Counsel appearing for the Petitioner submitted that the Petitioner is an uneducated lady and she is working as a maid servant. Her Advocate has not even informed her about the Court proceedings and that she is single handedly maintaining the daughter who is 9 years old. He submits that when the daughter was 1 year old, the Petitioner was thrown out of the house and for last 8 years the Petitioner is single handedly maintaining the child and herself by working as maid servant. He submits that for a fair trial, the Petitioner be granted opportunity of cross-examining the Respondent.

8. On the other hand, Ms. Bait, learned Counsel appearing for the Respondent submits that the Affidavit-in-lieu of examination-in-chief has been filed in the year 2021 and thereafter the matter is adjourned on number of occasions for conducting cross-examination. She further submits that the contention that

Petitioner was thrown out of the house is totally incorrect and Petitioner has herself left the house. She, therefore, submit that the Writ Petition be dismissed.

9. There is substance in the contention that, the Petitioner has not taken prompt actions and the perusal of the record also shows that inspite of several adjournments the Petitioner has not conducted the cross-examinations. No cross order is passed in on 22nd August 2024 and the Application seeking setting aside no-cross order is filed on 11th April 2025 i.e. after about 8 months.

10. However, it is also required to be noted that the Petitioner is an uneducated lady and she is working as maid servant. It is admitted position that, for last about 8 years the daughter is single handedly being maintained by the Petitioner who is a maid servant and the Respondent- Husband has not contributed even a single rupee towards maintenance of the child as also the maintenance of the Petitioner- Wife. It is significant to note that, the Petition has been filed seeking divorce by the Respondent- Husband in the year 2019 and till date, Application seeking maintenance has not been

filed by the Petitioner for herself and even for her daughter and also seeking litigation expenses.

11. However, learned Counsel appearing for the Petitioner submits that the DV proceedings are filed, however, not attended by the Respondent- Husband. As per the Respondent he is not aware of any such DV Proceedings.

12. Thus, it is clear that Petitioner has got no proper legal Assistance.

13. The Respondent – Rahul Shinde who is personally present in Court states that, he will pay an amount of Rs.3,000/- per month towards the maintenance of the daughter. The said statement is accepted without prejudice to the rights and contentions of both the parties and as undertaking given to the Court.

14. In view of the above discussion and in the interest of justice following order is passed :-

ORDER

(a) Impugned order dated 28th May 2025 passed by learned Judge, Family Court No.2, Mumbai below Exhibit-30 in Petition No.A-328 of 2019 is quashed

and set aside.

- (b) Exhibit-30 Application filed in Petition No.A-328 of 2019 seeking setting aside order of no cross dated 12th August 2025 is allowed.
- (c) The Respondent- Rahul Shinde shall pay an amount of Rs.3,000/- per month as maintenance of the daughter on or before 10th day of each month. First such payment of Rs.3,000/- is made by the Respondent to the Petitioner today, in cash.
- (d) The Petitioner- Ashwini Shinde is at liberty to file Application seeking maintenance for herself and for her minor daughter and also seeking litigation expenses as per Section 24 of the Hindu Marriage Act, 1955 in said Petition No.A-328 of 2019. Such Application is to be filed on or before 05th January 2026 when the Petition No.A-328 of 2019 is scheduled to be heard. If such Application is filed, the learned Judge of the Family Court shall decide the same expeditiously, on or before 31st March 2026. It is made clear that, if such Application is filed, then unless such Application is decided the trial shall not proceed

further.

- (e) The Petitioner is also liberty to file application seeking setting aside “No WS” order. If such application is filed the same be decided in accordance with law.
- (f) The Secretary, District Legal Services Authority, Mumbai is requested to appoint two Para-Legal Volunteers to assist the Petitioner- Ashwini Shinde to pursue the said Petition No.A-328 of 2019.

15. The receipt dated 11th November 2025 issued by the Petitioner of receiving the amount of Rs.3,000/- in cash from the Respondent is tendered in the Court. The same is taken on record and marked ‘Y’ for Identification.

16. This Court places on record the appreciation of the assistance rendered by Mr. Vikramaditya Deshmukh, learned Counsel.

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

[MADHAV J. JAMDAR, J.]