



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

WRIT PETITION NO. 302 OF 2025

SAU. PRADHYNA W/O SUMEDH WANKHADE

Vrs.

SUMEDH MUKUNDRAO WANKHADE

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri P. W. Mirza, Advocate for petitioner.
Shri A. D. Girdekar, Advocate for respondent-sole.

CORAM: ANIL L. PANSARE, J.

DATE : 25/02/2025.

1. Heard.
2. On 17/01/2025, following order was passed :-

“Heard.

2. Family Court, Akola has rejected the application to set aside the order of closure of evidence of petitioner-wife who is original respondent and further to permit her to lead evidence, on the ground that when the matter was called, both, the client and the counsel, were absent.

3. The contention is that if wife is not allowed to lead evidence, she would suffer irreparable loss as will be deprived of right to defend the case.

4. It appears from the record that because of the fault of petitioner and her counsel, she suffered order of closure of evidence and also rejection of application for leading further evidence. However, her right to defend is on stake. I am informed that the matter is listed for judgment tomorrow.

5. Issue notice before admission to the respondent, returnable in the next week.

6. Till then, Petition A.No.344/2021 pending before the Family Court, Akola, shall stand stayed.

7. The petitioner shall deposit an amount of Rs.10,000/- before this Court. If the amount is not

deposited within four working days, the petition shall stand dismissed without further reference to the Court.

8. All concerned to act on authenticated copy of this order.”

3. The counsel for respondent-husband submits that he does not have any objection, if the petitioner is allowed to lead evidence, but without taking further adjournment.

4. The respondent's approach is appreciated. As noted in the order dated 17/01/2025, the right to defend the case of the petitioner is at stake, though she herself is, to certain extent, responsible for suffering adverse order of closure of evidence. Nonetheless, it would be in the interest of parties to have decision on merit which would include permitting the petitioner to lead evidence in support of her defence. The sufferance caused to the respondent can be compensated by imposing costs of Rs.10,000/- which is already deposited by the petitioner in this Court.

5. In view of above, petition is allowed. The order dated 17/10/2024 passed below Exh.57 in Petition No.A-344/2021 is quashed and set aside, subject to costs of Rs.10,000/- to be paid by the petitioner to the respondent.

6. The petitioner is permitted to lead evidence on next date, without seeking further adjournment.

7. The Family Court, Akola is at liberty to pass appropriate order, if it finds that the petitioner is indulging into delaying tactics.

8. The amount of Rs.10,000/- deposited in the Court shall be paid to the respondent upon his making appropriate application.
9. Petition is disposed of in above terms.

[ANIL L. PANSARE, J.]

Choulwar