



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 2608 OF 2026

MUHTAQ HABIB SHAIKH
VERSUS
HEENA MUSHTAQ SHAIKH AND OTHERS

.....
Advocate for the Petitioner : Mr. S. M. Rizwan h/f. Mr. M. M. Khan
Advocate for Respondent Nos.1 to 4 : Mr. Shaikh Kayyum Najir
.....

CORAM : S. G. CHAPALGAONKAR, J.

DATED : 08th JUNE, 2026.

PER COURT :

1. The present Writ Petition takes exception to order dated 07.01.2026 passed below Exhibit-37 in Petition E/146/2024 by Family Court at Aurangabad, whereby petitioner's application for setting aside no cross order dated 09.12.2025 has been rejected.

2. Learned Advocate appearing for petitioner submits that proceeding for maintenance has been filed by respondent – wife. Contentious issues are involved. The petitioner needs to be granted a fair opportunity to cross examine witnesses examined on behalf of respondent.

3. Considering submissions advanced and nature of litigation,

petitioner deserves to be given one more opportunity to cross examine respondent/witness.

4. The petitioner has already deposited costs of Rs.3,000/- with Family Court to show his bona fide. In that view of matter, Writ Petition is allowed in terms of prayer clause "B".

5. The costs deposited by petitioner shall be released in favour of wife. The petitioner shall not seek unnecessary adjournment and cross examine witness of respondent on the date as fixed by Family Court and also proceed to lead his evidence without seeking unnecessary adjournments.

6. Writ Petition is allowed and disposed of in aforesaid terms.

(S. G. CHAPALGAONKAR)
JUDGE