

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.15794 OF 2025

Aparana Prashant Pendharkar	...Petitioner
<i>Versus</i>	
Prashant Vishnu Pendharkar	...Respondent

Mr. Nikhil M. Pujari, for the Petitioner.
Mr. Ranjit A. Agashe a/w. Mr. Pranil Lahigade i/b. Ms. Vinsha Acharya, for the Respondent.

CORAM: MADHAV J. JAMDAR, J.
DATED : 20th JANUARY 2026

PC:-

1. Heard Mr. Pujari, learned Counsel appearing for the Petitioner and Mr. Agashe, learned Counsel appearing for the Respondent.

2. The challenge in this Writ Petition is to the order dated 28th October 2025 passed by the learned Principal Judge, Family Court, Nashik below Exhibits- 68 and 70 in Petition No.A-7 of 2020. By the impugned order, both these applications bearing Exhibits-68 and 70 were rejected with cost of Rs.5,000/- for each application. The impugned order has been passed mainly on the ground that

the Petitioner-wife is delaying the hearing of the said Petition No.A-7 of 2020. The learned Trial Court has recorded one of the reason for the delay in trial is that the husband has made an allegation of adultery and therefore the Petitioner is delaying the trial.

3. Although there is substance in the reasoning of the learned Trial Court that the Petitioner-wife is delaying the hearing of the said Petition No.A-7 of 2020 and also it is equally true that the Respondent-husband has made allegations of adultery against the Petitioner, however, in the facts and circumstances and in the interest of justice, it is necessary to give opportunity to the Petitioner to cross-examine PW.2- Vibha Panchal and also to give opportunity to the Petitioner to lead her evidence.

4. Mr. Agashe, learned Counsel appearing for the Respondent, on instructions of the Respondent, submits that by consent, the impugned order be quashed and set aside, however, exemplary cost of Rs.1,00,000/- be imposed on the Petitioner as the Petitioner is delaying the trial for malafide purpose.

5. In view of the said submission made by the learned Counsel appearing for the Respondent, Mr. Pujari, learned Counsel appearing for the Petitioner, on instructions, submits that the Petitioner will deposit said cost of Rs.1,00,000/- before the learned Family Court, Nashik within a period of two weeks from today.

6. Accordingly, the following order is passed by consent of the parties:

ORDER

(a) The order dated 28th October 2025 passed by the learned Principal Judge, Family Court, Nashik below Exhibits-68 and 70 in Petition No.A-7 of 2020 is quashed and set aside by consent, on the condition that the Petitioner deposits an amount of Rs.1,00,000/- in the learned Family Court, Nashik on or before 3rd February 2026.

- (b) The Respondent is at liberty to withdraw the said amount of Rs.1,00,000/-, if deposited by the Petitioner.
- (c) It is made clear that if the said cost is not paid on or before 3rd February 2026, then the Writ Petition stands dismissed.
- (d) If such cost is paid on or before 3rd February 2026 then the impugned order dated 28th October 2025 stands quashed and set aside. Resultantly, applications bearing Exhibits-68 and 70 filed in Petition No.A-7 of 2020 stands allowed.
- (e) As the Petition is of the year 2020 and one of the allegation is of adultery, the learned Judge, Family Court, Nashik is requested to expeditiously dispose of the said Petition No.A-7 of 2020 and shall make an endeavor to dispose of the same on or before 31st March 2027. Parties to co-operate for disposal of the said Petition in expeditious manner.

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

[MADHAV J. JAMDAR, J.]