



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

WRIT PETITION NO. 624 OF 2024

Priyanka D/o. Ashish Trivedi

Vs.

Smt. Shikha W/o. Abhijit Das and another

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

Court's or Judge's Order

Shri Bhupesh Patel h/f. Shri Virat S. Mishra, Advocate for petitioner.
Shri Vandan M. Gadkari, Advocate for respondent no. 1.

CORAM :- M. W. CHANDWANI, J.

DATED :- 25.03.2026

Heard learned counsels for the petitioner as well as learned counsel for respondent no. 1.

2. The petition challenges the order dated 11.01.2024 passed below Exh.13 by the learned Judge, Family Court, Nagpur in Petition No. A-1170/2022 rejecting the application of the petitioner/original respondent no. 2 for deletion of her name from the array of the respondents in the said petition.

3. Though, various grounds have been raised in the petition however, the main ground which has been pressed by learned counsel for the petitioner is that the petitioner, on the date of hearing, was not present and the impugned order has been passed in her absence. This argument is supported by the observations made in the impugned order of the Family Court.

4. The learned counsel for respondent no. 1 has supported the impugned order and sought dismissal of the petition.

5. No doubt, it was the duty of the petitioner to remain present on the date fixed by the Family Court for hearing of the application. Be that as it may, but it is expedient that the matter shall be decided on merits by giving opportunity of hearing to the petitioner. No prejudice would be caused to the respondents. Hence, I proceed to pass the following order:-

- i) The Writ Petition is partly allowed.
- ii) The impugned order dated 11.01.2024 passed below Exh.13 by the learned Judge, Family Court, Nagpur in Petition No. A-1170/2022 is hereby quashed and set aside.
- iii) The matter is remanded back to the Family Court, Nagpur for deciding application- Exh.13 afresh. The parties shall appear before the Family Court, Nagpur on the next date of hearing fixed by the Family Court, Nagpur.
- iv) The learned Judge, Family Court, Nagpur shall pass appropriate orders on Exh.13 after hearing both the parties.

(M. W. CHANDWANI, J.)