



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.3630 OF 2025

Priti W/o. Ashwin Kamble and Anr. **Vs.** Ashwim S/o. Shankar Kamble

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. B.W. Patil, Advocate for the Petitioners.
Mr. A.T. Sheikh, Advocate for the Respondent.

CORAM: PRAFULLA S. KHUBALKAR, J.
DATED : 09th FEBRUARY, 2026

1. Heard learned counsel for the petitioners as well as the learned counsel for the respondent.
2. By this petition, the petitioner-wife challenges the order dated 22.04.2025 passed by the Family Court No.4, Nagpur in Petition No.A-1604/2018 thereby, rejecting the application for setting-aside No-Cross Order.
3. Learned counsel for the petitioners submits that the petitioner-wife had filed a petition under Section 10 of the Hindu Marriage Act, 1955 for grant of judicial separation. At the stage of evidence in the said petition, on 21.03.2025, the learned counsel for the petitioner-wife was present before the High Court for attending some matter in the first half and when the matter was called out, she was not present before the Family Court, Nagpur and therefore, an order of no-cross was passed against her. He further submits that immediately, on the same day, an application for setting-aside no-cross order was filed precisely mentioning that the counsel was busy before the High

Court in the first half and still that application came to be rejected by the impugned order.

4. Learned counsel for the petitioners submits that the parties are contesting the litigation which is filed by the petitioner-wife since the year 2018. The petitioners' desire to contest the petition on merits and an opportunity to cross-examine the respondent-husband is required to be granted.

5. Although Learned counsel for the respondent has opposed the petition and submitted that the petitioner-wife has not been diligent in contesting the petition since the year 2018. However, in view of the fact that the parties are contesting the matrimonial litigation, the interest of justice demands that an opportunity to conduct the cross-examination need to be afforded to the petitioner-wife.

6. Having regard to the controversy involved, the denial of opportunity to the petitioner-wife to conduct the cross-examination of respondent-husband would deprive her of an opportunity to contest the petition on merits.

7. It has to be noted that the petitioner-wife had filed an application for setting-aside no-cross order on the same day i.e. on 21.03.2025, on which day no-cross order was passed and therefore, the impugned order rejecting the application needs to be quashed and set-aside.

8. Having regard to the factual and legal aspects involved in the instant petition, the writ petition is **allowed**. Order dated 22.04.2025 passed by the Family Court No.4, Nagpur is quashed and set-aside. Application for setting-aside no-cross order at Exh.63 filed by the

petitioner-wife on 21.03.2025 is **allowed**. Parties are directed to prosecute the proceedings without seeking any adjournments. The Family Court, Nagpur is directed to decide the petition bearing Petition A-1604/2018 expeditiously and preferably within a period of four months from today.

9. In view of above, the writ petition is **disposed of**.

(PRAFULLA S. KHUBALKAR, J.)

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