

Leena Ishavarlal Mistry  
14 Mackintosh Avenue  
Horsforth  
Leeds  
LS18 4FR



HM Courts &  
Tribunals Service

Your unique reference number is

1649063874377008

If you need to send any further documents to the Court, please send this cover sheet along with your document(s) to the address shown below.

HMCTS Financial Remedy

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HARLOW

CM20 9QZ





**In the Family Court  
sitting in the Leeds Combined Court Centre**

**Case No: 1649063874377008**

**General Order**

**The Matrimonial Causes Act 1973**

**The Marriage of Jeetesh Bhupendra Prajapati and Leena Ishavarlal Mistry**

Upon the Judge considering D11 applications from both the Applicant and Respondent

**Order made by District Judge Kitzing on 08 January 2025 sitting in private.**

**The parties**

1. The applicant is Jeetesh Bhupendra Prajapati

The respondent is Leena Ishavarlal Mistry

**It is ordered that**

1. The hearing on 10 January 2025 remains listed as a case management hearing.

**Notice pursuant to FPC Part rule 18.11 Family Procedure Rules 2010**

(1) A person who was not served with a copy of the application notice before this order was made under may apply to have the order set aside or varied.

(2) Any application to set aside or vary the order must be made within 7 days beginning with the date on which the order was served on the person making that application.

Dated: 08 January 2025



Case number

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## Application notice

Name of court

Family Court Sitting at Leeds

Name of applicant

Jeetesh Bhupendra Prajapati

Name of applicant 2

Leena Ishavarlal Mistry

Name of respondent

1. Please give your name or, if you are a solicitor, the name of your firm.

Leena Ishavarlal Mistry

2. What is your role in the main proceedings,

☐ applicant/petitioner

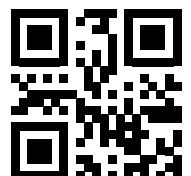
☐ applicant 2

☒ respondent

☐ solicitor. Whom do you represent?

☐ other (please specify)

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**3. What order are you asking the court to make and why?**

Please attach a draft copy of the order you are applying for.

The Applicant Mr Prajapati has failed to provide the required information in time, in order for an effective Financial Dispute Resolution (FDR) Hearing to take place on 10 January 2025.

We agree to a short adjournment of impending directions and the FDR Hearing. Amended directions order attached and email correspondence.

This application may be considered by a judge on the information you have set out in your application notice. The judge may make an order on that information, without a hearing. However, any party who objects to an order made in this way may apply to the court within 7 days of it being made, for a hearing, at which all parties can attend, when the application will be reconsidered.

**4. Are there any reasons why this application should not be dealt with on paper by a judge?**

☐ Yes. It should not be dealt with on paper by a judge because

☒ No

**Note 3:** Set out what order you are applying for and why; e.g. to adjourn the hearing because..., to apply for leave to issue my divorce application without my marriage certificate because... etc. If you are applying to vary an existing order or to re-activate proceedings you should enter the details here. A draft copy of any order you are applying for must be attached to your application. The draft should state the amount of any costs to be paid by the other party and a brief calculation of how it was arrived at.

**Note 4:**

The court will only deal with the application 'without a hearing' in the following circumstances:

- where all the parties agree to the terms of the order being asked for;
- where all the parties agree that the court should deal with the application without a hearing; or
- where the court does not consider that a hearing would be appropriate.

**Domestic Abuse Act 2021**

Provisions in the Domestic Abuse Act 2021 have the effect of preventing an individual accused of abuse from questioning in person a party or witness in the case who is the victim of the abuse, and also prevents a victim of abuse from questioning in person the accused individual in specified circumstances.

If the court directs that the proceedings be listed for a hearing where oral evidence may be given, form **EX740** (person making the abuse accusation) or form **EX741** (person accused of abuse) 'Application and information needed by the court to consider whether to prevent (prohibit) questioning (cross-examination) in person' may need to be completed so that the court can consider whether questioning in person should be prevented. The court will send the appropriate form with the court order.

**For Deemed Service applications for divorce, Questions 5–9 are not required. See guidance notes for more information.**

5. Are there any reasons why this application should not be dealt with at a telephone hearing?

☐ Yes. This hearing should not be dealt with at a telephone hearing because

☒ No

6. How long do you think the hearing will last?

hours  minutes

7. Is this time estimate agreed by all parties?

☒ Yes

☐ No

8. Give details of any fixed hearing date or period.

Financial Dispute Resolution Hearing is listed to take place on 10 January 2025.

9. Does this application need to be heard by a specific judge/level of judge?

☐ Yes. This application needs to be heard by  
(Name or level of judge)

☒ No

### **Deemed Service application**

(These applications do not require a hearing.)

The applicant can apply to the court for an application for deemed service when they have evidence the respondent has received the divorce application but has not filed an acknowledgment of service with the court. Evidence can be written confirmation such as a letter, email, or text.

**Note 5:** Indicate in a covering letter any dates that you are unavailable to attend within the next six weeks.

Telephone hearings are only available in applications where at least one of the parties involved in the case is legally represented.

Not all applications will be suitable for a telephone hearing and the court may refuse your request

**Note 6:** If you do not know how long the hearing will take do not guess, instead leave these boxes blank.

**Note 7:** If your case has already been allocated a hearing date or trial period please insert details of those dates in the box.

**Note 8:** Enter the details if there is a requirement for your case to be heard by a specific judge or level of judge.

**10.** Who should be served with this application?

Give names, addresses, and email addresses: (If necessary, please continue on a separate sheet)

**Note 10:** Please indicate in the box provided who you want the court to send a copy of the application to.

**11.** What information will you be relying on?

- ☐ the attached statement.
- ☐ the divorce/dissolution/nullity/(judicial) separation application.
- ☐ the statement in support of the divorce/dissolution/nullity/(judicial) separation.
- ☒ the evidence set out in the box below:

(If necessary, please continue on a separate sheet)

See attached for Section 11

**Note 11:** In this section please set out the information you want the court to take into account in support of the application you are making. If you wish to rely on:

- **a witness statement,** tick the first box and attach the statement to the application notice. A witness statement form is available on request from the court office.
- **a statement of case,** tick the second box if you intend to rely on your particulars of claim or defence in support of your application.
- **written evidence on this form,** tick the fourth box and enter details in the space provided. You must also complete the statement of truth. Proceedings for contempt of court may be brought against a person who signs a statement of truth without an honest belief in its truth.



## Statement of truth

I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

☒ **I believe** that the facts stated in this form and any continuation sheets are true.

☐ **The applicant** believes that the facts stated in this form and any continuation sheets are true. **I am authorised** by the applicant to sign this statement.

☐ **The respondent** believes that the facts stated in this form and any continuation sheets are true. **I am authorised** by the respondent to sign this statement.

### Signature

L Mistry

☐ Applicant

☒ Respondent

☐ Applicant's legal representative (as defined by FPR 2.3(1))

☐ Respondent's legal representative (as defined by FPR 2.3(1))

### Date

Day

07

Month

01

Year

2025

Full name

Leena Ishavarlal Mistry

Name of the legal representative's firm

If signing on behalf of firm or company give position or office held

## Address details for service of documents

Please only complete this section if you wish to change your address for service. The court will use the address for service you provided in your divorce, dissolution or (judicial) separation proceedings if you do not provide one here.

Do you wish to keep your contact details confidential from your spouse or civil partner?

☐ Yes. Please complete the separate **C8** form with your details in order to do this.

☒ No

If you want to keep your contact details confidential, **do not complete this question**. Please complete form **C8**.

Building and street

Second line of address

Town or city

County (optional)

Country

Postcode

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Email address

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Phone number (optional)

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If the court needs to contact you, it will be able to do so more quickly if you provide your email address and phone number.

The email address should not be the same as the one given for your husband/ wife/civil partner.

## Court fee

### What you need to pay

the court fee is

£184.00

### How to pay the court fee

☐ I have not included payment because

- ☐ I have applied for Help with Fees online and my reference number is

H	W	F							
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- ☐ I am applying for Help with Fees, see attached form **EX160**

- ☐ Other – please explain why

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☒ A debit or credit card payment

- ☐ I will pay over the phone.

- ☐ please email me details on how to pay, my email address is

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- ☐ I attach a **cheque or postal order**, made payable to 'HMCTS'

☐ Fee account details – for use by legal professionals

Your account number

P	B	A							
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Your reference (if applicable)

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## Court fee

You can find the current fee in leaflet EX50 Civil and Family Court Fees which can be downloaded from:

<https://www.gov.uk/government/collections/court-and-tribunal-forms>

### If you cannot afford the court fee

You may not have to pay a fee, or you may get some money off it if you only have a small amount of savings and investments, receive certain benefits or are on a low income.

You can apply for help with court and tribunal fees online at [www.gov.uk/help-with-court-fees](http://www.gov.uk/help-with-court-fees) or through the 'EX160 Apply for help with fees' form and 'EX160A – How to apply for help with fees' guidance.

**A debit or credit card payment.** To pay the court fee over the phone, you should call the Court that is currently managing your case.

**Fee account** – a way for solicitors, local authorities and other regular users to make payments relating to civil and family cases.

**Please send your completed application and copies to the court that is managing your case.**

The addresses can be found here:

<https://www.find-court-tribunal.service.gov.uk>





**In the Family Court  
1649063874377008  
sitting at Leeds**

**Case**

**No:**

**The Matrimonial Causes Act 1973**

**The Marriage of Jeetesh Bhupendra Prajapati and Leena Ishavarlal Mistry**

After consideration of the documents lodged by the parties

**ORDER MADE BY [DEPUTY] DISTRICT JUDGE  
ON                DAY OF                2025  
SITTING IN PRIVATE**

**WARNING: IF YOU DO NOT COMPLY WITH THIS ORDER, YOU MAY BE HELD TO BE IN CONTEMPT OF COURT AND YOU MAY BE SENT TO PRISON, BE FINED, OR HAVE YOUR ASSETS SEIZED.**

**The parties**

1. The applicant is Jeetesh Bhupendra Prajapati  
The respondent is Leena Ishavarlal Mistry

**Definitions**

2. The “*Children of the Family*” are:
  - a. Aarya Mistry-Prajapati, born 15.12.2014; and
  - b. Caeyan Mistry-Prajapati, born 24.01.2017.
3. The “*Family Home*” shall mean 14 Mackintosh Avenue, Horsforth, Leeds LS18 4FL registered with title number YY59776.

**Recitals**

4. It is recorded that neither party is running a “conduct” argument within its meaning under s.25(2)(g) of the Matrimonial Causes Act 1973.
5. It is recorded that the parties do not intend to instruct a valuer in relation to their jewellery and personal possessions at this stage and should either party feel it

necessary following the FDR or after Replies to Questionnaire have been filed they will make the necessary application to the Court.

6. It is recorded a single joint expert report has been obtained dated 9<sup>th</sup> June 2023 in relation to the Family home and that the property has been valued at £600,000, such valuation having been confirmed by letter dated 21 June 2023 following enquiries raised by the applicant.
7. The parties accept that if in the Replies to the Schedule of Deficiencies it becomes apparent that either party has other pension provision than that disclosed to date, or the nature of the difference in pensions would justify it, consideration will be given to instructing a pension actuary and if so instructed, will result in the FDR hearing being adjourned to a later date.
8. Both parties agree to use their best endeavours to file and serve mortgage capacity information, property particulars and updating disclosing at the earliest opportunity following the filing and serving of their Schedule of Deficiencies in order for matters to progress and to allow the parties to enter into constructive negotiations for settlement at the earliest opportunity. In the event that the parties agree to file and serve the same in advance of the agreed timetabled dates, then they would only be required to file and serve updating disclosure limited to bank statements and any other relevant financial information if there has been a material change in circumstance 4 weeks prior to the new FDR date.

## **Agreements**

## **Orders**

### **IT IS ORDERED THAT:**

#### **Replies to Schedules of Deficiencies**

9. The parties shall send to the court and serve on the other party their Replies to Schedule of deficiencies and request for further documents by **4pm on 31 January 2025.**

#### **Evidence regarding housing needs and mortgage capacities**

10.
  - a. Each party shall serve on the other party copy particulars of properties they consider to be suitable to meet their housing needs, and the housing

needs of the other (and, as relevant, the children of the family), limited to five of each, by 4pm on 31 January 2025.

- b. Each party shall serve on the other party evidence of their mortgage raising capacity by 4pm on 31 January 2025. Such evidence to be in the form of a certificate from a mortgage broker, indicating (i) the maximum mortgage that the broker believes he/she will be able to secure; (ii) the repayments that would be required on that mortgage on a repayment basis and on an interest only basis, and; (iii) the financial information provided to the broker on which the indication is based.
- c. Each party shall have permission to serve on the other party such evidence upon which they seek to rely in relation to the other's mortgage capacity within 14 days of receipt of the other's evidence as to their own mortgage capacity.

### Updating disclosure

11. Each party shall serve on the other party their updating disclosure by 4pm on 31 January 2025. Updating disclosure means the disclosure of the following documents:

- a. copies of all bank and building society statements relating to accounts in the category required by paragraph 2.3 of Form E, covering the period from the last statement which has been disclosed to the date of updating disclosure, or covering the period from the opening of the account to the date of updating disclosure for any such accounts which have come into existence since Form E;
- b. a copy of the most up to date statement or dividend counterfoil relating to investments in the category required by paragraph 2.4 of Form E, including in respect of any investments which have come into existence since Form E;
- c. a copy of an up to date surrender value for policies in the category required by paragraph 2.5 of Form E, including in respect of any policies which have come into existence since Form E;
- d. copies of documents evidencing the up to date amount due on liabilities in the category required by paragraph 2.9 or 2.10 of Form E, including in respect of any liabilities which have come into existence since Form E;
- e. copies of an up to date statement showing the Cash Equivalent of any pension rights (or value of any PPF rights) in the category required by paragraph 2.13 of Form E, including in respect of any pension rights or PPF rights which have come into existence since Form E;
- f. copies of all P60s and P11Ds received since Form E, and all pay slips received since the last P60;
- g. copies of all tax returns sent to HMRC and tax assessments since Form E; and

- h. copies of all documents evidencing all income received since Form E in the nature of dividends, interest, rental income, state benefits or otherwise.

### **Further hearing**

- 12. The application shall be listed for a (in person if possible) Financial Dispute Resolution hearing before a (Deputy) District Judge in the Family Court at Leeds on the first open date after the **31 January 2025** (time estimate: one hour).
- 13. The parties shall file dates they wish the Court to avoid for the hearing by **4pm on 10 January 2025.**

### **Evidence at the Financial Dispute Resolution appointment**

- 14. The applicant shall prepare and agree with the respondent a bundle compliant with PD27A, to include an ES1 and ES2.

### **Costs Estimates**

- 15. The parties shall serve on one another costs estimates in Form H at the earliest opportunity following exchange of updating disclosure, but not later than seven days prior to the Financial Dispute Resolution appointment.

### **Offers for Financial Dispute Resolution appointment**

- 16. The parties shall exchange without prejudice proposals for the resolution of the matters in dispute at the earliest opportunity following exchange of updating disclosure, but not later than 4pm on the date falling fourteen days prior to the Financial Dispute Resolution appointment.

### **Costs**

- 17. **Applicant to pay the costs to be incurred by the Respondent in increased barrister fees as a result of the late adjournment.**
- 18. Costs in the application.

Dated:

Approved by: [Deputy] **District Judge**