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CNR NO. MHTH06-000409-2026



Received on : 30 / 01 / 2026

Registered on : 30 / 01 / 2026

Decided on : 11 / 08 / 2026

Duration : YY MM DD
00 06 11

Exhibit No.: 24

IN THE COURT OF ADDITIONAL SESSIONS JUDGE, KALYAN,
AT KALYAN

(Presided over by Smt. V. S. Deshmukh)

PWDVA APPEAL NO.4 OF 2026

Shri Santosh Subhash Kokate

Age 51 Yrs., Occu.: Business,
R/at. Dattanagar Mu.Devrukh,
Tal. Sangameshwar, Dist. Ratnagiri.

...Appellant.

Versus

Sou. Prachi Santosh Kokate,

Age 40 Yrs., Occu.: Service,
R/at. 3rd Floor, Shubh Swapnali CHS Ltd.,
Bharat Jyot Apartment, Thakurwadi No.2,
Dombivli (West).

...Respondent.

**Appeal under Section 29 of the Protection of Women from
Domestic Violence Act, 2005.**

Advocates for the Parties –

For Appellant – Suyog Tawde

For Respondent – Aanand Shine

JUDGMENT

(Delivered on this 11th day of August, 2026)

1. The present appeal is filed under section 29 of the Protection of Women from Domestic Violence Act, 2005 against the

order below Exh.18 passed on 26/12/2025 in PWDVA Application No.81/2016 by Ld. JMFC, Kalyan. Through the impugned order, the learned Trial Court has rejected the appellant's application for setting aside no say order.

2. The facts necessary to decide this appeal in short, are as under :-

Appellant and respondent are husband and wife. Respondent has filed Domestic Violence Application No.81/2016 against the appellant. As appellant failed to file say to the the application, the Ld. JMFC, Kalyan passed no say order against the appellant. On 23/07/2024 the appellant filed application at Exh.18 for setting aside the no say order. On 26/12/2025 the Ld. JMFC, Kalyan rejected the application. Hence, the appellant has challenged the order by way of this appeal.

3. Being aggrieved by the said order, appellant has preferred this appeal on the following grounds:

1. The impugned order is illegal and incorrect.
2. The appellant has not intentionally failed to file say to the application.
3. If the appellant is not allowed to file his say, it will certainly caused prejudice to appellant.
4. The Ld. JMFC, Kalyan failed to consider the legal provisions.

4. In pursuance of issuance of notice, respondent appeared through Advocate Aanand Shinde.

5. After taking into account the rival submissions, grounds of appeal, record and proceedings, following points arose for consideration against which I have recorded my finding thereon as below :-

Sr. No.	POINTS	FINDINGS
1.	Whether appeal is maintainable?	..No..
2.	Whether the impugned order passed in PWDVA Application No.81/2016 below Exh.18 dated 26/12/2025 is legal and proper ?	..Infructuous..
3.	Whether the impugned order needs to be interfered with ?	..No..
4.	What order?	...As per final order.

REASONS

6. Heard learned Adv. Suyog Tawade for appellant. He relied upon following case laws;

Smita Singh V/s. Bishnu Priya Singh, 2013 Law suit (Orissa) 344.

7. Heard learned Advocate Aanand Shinde for the respondent. He relied upon following case laws :

[i] **Abhijeet Auti V/s. State of Maharashtra, Criminal Writ Petition No.2218/2017;**

[ii] **Keval Krishnan V/s. Gulshan Kumar, CM Application 58071/2025**

[iii] **Pandurnag Kevne V/s. BSNL, SLP (Civil) Diary No.56230/2024.**

AS TO POINTS NO. 1 TO 4 :-

8. As all the points are interlinked with each other, I discuss them together to avoid repetition.

9. Respondent filed Domestic Violence Application No.81/2016 against the appellant. On 23/07/2024 appellant filed application for setting aside no say order passed against him by the Ld. JMFC, Kalyan. However, the Ld. Trial Court rejected the application by the impugned order. The impugned order is produced with list at Exh.22. Thus, the Ld. Trial Court refused to set aside no say order passed against the appellant.

10. Respondent has contested the appeal with the objections that as impugned order is interlocutory, appeal is not maintainable. It is also the objection that the impugned order being procedural in nature, appeal under Section 29 of Protection Of Women From Domestic Violence Act, 2005 is not maintainable. Ld. Advocate Aanand Shinde for respondent has placed reliance upon judgment in Abhijeet Auti V/s. State of Maharashtra, Criminal Writ Petition No.2218/2007. The Hon'ble Parent High Court has clearly laid down that *"appeal under Section 29 is not maintainable against purely procedural orders which do not decide or determine the rights and liabilities of the parties"*. The impugned order is purely procedural in nature. Therefore, as held by the Hon'ble High Court in Abhijeet Auti (cited Supra), appeal is not maintainable. Hence, the Court refrain itself from deciding the legality of the impugned order. Hence, I answer point no.1 in negative, point no.2 as

infructuous, point no.3 in negative. Resultantly, I pass the following order in answer to point no.4 :

ORDER

1. Appeal is dismissed.
2. Inform Ld. Trial Court accordingly.

(Dictated and pronounced in open Court).

Place : Kalyan.
Date : 11/08/2026

(V. S. Deshmukh)
Additional Sessions Judge,
Kalyan, Dist. Thane.