

R.C.A. No. 133/2022
CNR No.MHWR010016122022
Sneha Vs. Chetan
Order below Exh.20

(1) I heard learned advocate Swapnil K. Fulzele for the appellant.

(2) Respondent could not be served personally. The earlier notices sent in July 2023, September 2024 were refused by the father of the respondent stating that his son respondent was not residing with him on the address shown at Pipari (Meghe). Thereafter the notices were issued to the respondent on his address shown in the petition filed before the trial court, but those notices returned unserved. Again in October 2024 notice was issued by affixing it on the house of the respondent, but his father did not allow to affix it to his house. Afterwards the notice of the respondent came to be published in daily Lokmat dt. 07-11-2024, but he has not appeared. Therefore, the appeal is being proceeded ex-parte against him.

(3) Perused impugned judgment and decree dated 20-07-2022 in HMP No.347/2016 passed by Jt. CJSD, Wardha whereby decree for dissolution of marriage between the appellant and respondent has been passed on the ground of cruelty. The appellant has filed present appeal challenging the decree for divorce. The appellant has made out arguable case as there are allegations and counter allegations about

the cruelty by one another.

(4) The allegations about the cruelty are that the appellant has made false allegations against the respondent about her forcible abortion, assault and demand of dowry. The trial court believed the case of the appellant that those allegations made by the petitioner are false and amounts to cruelty. On the other hand, the appellant claims that those allegations of cruelty by the respondent are true. The finding of the trial court will have to be tested in this appeal finally. The first appeal is substantial right. Therefore, it would be just and proper to grant stay to the decree of dissolution of the marriage. Therefore, I pass following order

Order

(1) Until final disposal of this appeal, stay is granted to the effect and operation of decree dated 20/07/2022 in HMP No.347/2016 passed by Jt. Civil Judge, Senior Division, Wardha, dissolving the marriage between the appellant and the respondent.

(2) Inform to the trial court.

Date : 23/01/2025

(N. B. Shinde)
District Judge-2,
Wardha.

CERTIFICATE

I affirm that the contents of this P.D.F. file are same word to word, as per the assigned order.

(S. M. Puri)
Stenographer (Grade-II)