

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/FIRST APPEAL NO. 148 of 2026****With****CIVIL APPLICATION (FOR STAY) NO. 1 of 2026****In R/FIRST APPEAL NO. 148 of 2026**=====
SMITALBEN VASUDEV CHAUHAN**Versus****SAGAR BIJALBHAI VASUDIYA**
=====

Appearance:

MR ANIL R. THAKOR(10897) for the Appellant(s) No. 1
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CORAM: HONOURABLE MS. JUSTICE SANGEETA K. VISHEN**and****HONOURABLE MS. JUSTICE NISHA M. THAKORE****Date : 12/02/2026****ORAL ORDER****(PER : HONOURABLE MS. JUSTICE SANGEETA K. VISHEN)****Order in First Appeal**

Mr. Anil Thakor, learned Advocate submitted that the learned Judge has concluded the aspect of desertion against the appellant. What weighed with the learned Judge was the threats of filing of the false criminal complaint. Further, it is observed in paragraph 22 that the appellant alongwith her relatives assaulted the respondent's elderly parents resulting into hospitalization and filing of the police complaint; however, there is not a whisper about the cross-complaint filed by the respondent. It is submitted that atleast there ought to have been some discussion about the complaint filed by the respondent so as to properly conclude about the desertion. It is submitted that in the evidence of the husband, he has categorically denied that even if the appellant gives an assurance to stay with him, he is not ready to take her back.

Considered the submissions. Issue notice to the respondent returnable on 16.03.2026.

Order in Civil Application

Heard Mr.Anil Thakor, learned Advocate appearing for the applicant.

Issue notice to the respondent returnable on 16.03.2026. Ad-interim relief is granted in terms of paragraph 5B, till the next date of hearing.

(SANGEETA K. VISHEN,J)

(NISHA M. THAKORE,J)

SINDHU NAIR