

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/FIRST APPEAL NO. 352 of 2026****With****CIVIL APPLICATION (FOR STAY) NO. 1 of 2026****In R/FIRST APPEAL NO. 352 of 2026**

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NIMESHBHAI UPENDRABHAI SIDDHPURA**Versus****HETALBEN W/O NIMESHBHAI UPENDRABHAI SIDDHPURA**

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Appearance:**MR. MAULIK M SONI(7249) 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 : 23/02/2026****ORAL ORDER****(PER : HONOURABLE MS. JUSTICE SANGEETA K. VISHEN)****Order in First Appeal:**

Mr Chirag B. Ayli, learned advocate for Mr Maulik M. Soni, learned advocate for the appellant submitted that the fundamental error is committed by the learned Judge in not believing that it is the respondent who has left the house, which is clearly admitted by her in her cross-examination and recorded in the judgment. Despite which, the learned Judge, accepting the stand taken by the respondent, has allowed the section 9 application.

Issue notice to the respondent, returnable on 06.04.2026.

Order in Civil Application:

List the matter on 06.04.2026.

(SANGEETA K. VISHEN,J)

(NISHA M. THAKORE,J)

BINOY B PILLAI