

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/FIRST APPEAL NO. 1076 of 2025****FOR APPROVAL AND SIGNATURE:****HONOURABLE MS. JUSTICE SANGEETA K. VISHEN****and****HONOURABLE MS. JUSTICE NISHA M. THAKORE**

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Approved for Reporting	Yes	No
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SONA NEWANDRAM SHARMA
Versus
NARENDRA HARESHBHAI SHARMA

Appearance:

MR PANKAJ K MODI(2889) for the Appellant(s) No. 1

S A CHHABARIA(7740) for the Appellant(s) No. 1

MR TARUN H RAWAT(13044) for the Defendant(s) No. 1

CORAM: HONOURABLE MS. JUSTICE SANGEETA K. VISHEN**and****HONOURABLE MS. JUSTICE NISHA M. THAKORE****Date : 25/02/2026****ORAL JUDGMENT****(PER : HONOURABLE MS. JUSTICE SANGEETA K. VISHEN)**

Captioned appeal is filed challenging the judgment and order dated 17.09.2024 passed by the learned Judge, Family Court no.5, Ahmedabad in Family Suit no.2197 of 2024 whereby, the divorce is allowed by mutual consent under the provisions of section 13B of the Hindu Marriage Act, 1955.

2. Mr S.A. Chhabaria, learned advocate for the appellant – wife submitted that the parties, namely, the appellant and the respondent, have jointly preferred an application for obtaining divorce by mutual consent and as per the terms agreed, the

respondent – husband was obliged to pay an amount of Rs.5 lac towards maintenance/permanent alimony. In lieu thereof, one cheque was issued; however, the same was not honoured. It is further submitted that during the pendency of the captioned appeal, the respondent now has paid the said amount. It is urged that the conduct of the respondent, is untrustworthy inasmuch as, the respondent has not adhered to the terms agreed and hence, the captioned appeal.

3. Mr Tarun H. Rawat, learned advocate for the respondent submitted that both the parties had applied for divorce by mutual consent. Various terms and conditions were agreed. The respondent has adhered to and satisfied the terms and conditions. It is submitted that the cash amount as agreed has already been paid. The issue was only with the cheque of Rs.2 lac. In fact, the respondent had requested not to deposit the said cheque and to deposit the same as and when fund is available in the account of the respondent. However, the appellant showing undue haste, deposited the amount, which resulted in dishonouring of the cheque. It is submitted that there was no intention on the part of the respondent not to adhere to the conditions or not to pay the amount; however, it is his financial condition that consumed some time. It is further submitted that in fact, the appellant has not adhered to the terms and conditions for, as per the agreement, she was to withdraw the proceedings under section 498 of the Indian Penal, 1860; however, till date, it is not withdrawn.

4. Mr S.A. Chhabaria, learned advocate, states that the appellant shall withdraw the proceedings under section 498 on the next date, which is scheduled on 10.03.2026. It is also submitted that a hue and cry is made by the respondent about the late payment or the

conduct; however, the appellant was deprived for the said amount for almost six months. It is urged that since the respondent is taking treatment for cancer, hence, on humanitarian ground, some amount be paid.

5. Heard the learned advocates appearing for the respective parties.

6. In view of the above, Mr S.A. Chhabaria, learned advocate, does not press the captioned First Appeal.

7. First Appeal, stands disposed of as withdrawn.

8. Notably, the cheque was issued on 24.11.2024; whereas, the payment is made on 04.03.2025. Therefore, it is not in dispute that the appellant was deprived of usage of amount of Rs.2 lac for almost six months. Hence, let the respondent pay an amount of Rs.15,000/- towards the interest and the litigation expenses.

9. It is expected that the appellant shall withdraw the proceedings under section 498A, hearing of which is slated to take place on 10.03.2026. Let the amount of Rs.15,000/- be paid on 10.03.2026 to the appellant.

(SANGEETA K. VISHEN,J)

(NISHA M. THAKORE,J)

BINOY B PILLAI

Original copy of this order has been signed by the Hon'ble Judges.
Digitally signed by: BINOY BALAKRISHNA PILLAI(HC00183), PRINCIPAL PRIVATE SECRETARY, at High Court of Gujarat on 26/02/2026 10:50:04