

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/FIRST APPEAL NO. 576 of 2024**

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ASHA ALIAS BINDIYA W/O RITESH NANDHA
Versus
RITESH SHAILESHBHAI NANDHA

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Appearance:

MR DIGANT B KAKKAD(6523) for the Appellant(s) No. 1

MR KAPIL K SOLANKI(12820) for the Defendant(s) No. 1

MR LAKSHIT V PATEL(10734) for the Defendant(s) No. 1

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CORAM:**HONOURABLE MS. JUSTICE SANGEETA K. VISHEN**
and
HONOURABLE MS. JUSTICE NISHA M. THAKORE

Date : 10/11/2025

ORAL ORDER**(PER : HONOURABLE MS. JUSTICE SANGEETA K. VISHEN)**

1. Mr.Digant Kakkad, learned Advocate while inviting the attention of this Court to sub-section (2) of section 13 of Hindu Marriage Act, 1955 has submitted that the grounds enumerated there are in addition to the grounds enumerated in sub-section(1) of section 13. It is submitted that the learned Judge; however, has emphasized only on the grounds mentioned in sub-section (1) of section 13 and discarded the grounds which otherwise were available under clause (iii) of sub-section (2) of section 13. It is submitted that the order allowing maintenance was dated 24.11.2021 and the application seeking divorce was filed on 22.11.2023 i.e. almost after expiry of more than one year and hence, straightaway clause (iii) of sub-section (2) of section 13 was attracted and the application ought to have been considered favourably; however, it has not been.

2. Mr.Lakshit Patel, learned Advocate on the other hand submitted that there is in-depth consideration of the learned Family Court while rejecting the application for divorce. There were no steps or efforts put by the appellant to reconcile the marriage. It is submitted that even today, the respondent is ready and willing to take back the appellant and the daughter.

3. In view of the above submissions, the parties, to take instructions as to whether there is any scope of reunion. List the matter on 18.11.2025.

(SANGEETA K. VISHEN,J)

(NISHA M. THAKORE,J)

SINDHU NAIR

Original copy of this order has been signed by the Hon'ble Judges.
Digitally signed by: SINDHU UNNIKRIISHNAN NAIR(HC01395), PRIVATE SECRETARY, at High Court of Gujarat on 11/11/2025 12:04:09