

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/FIRST APPEAL NO. 1122 of 2026**

**With
CIVIL APPLICATION (FOR STAY) NO. 1 of 2026
In R/FIRST APPEAL NO. 1122 of 2026**

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SOUMIKA W/O RAJAN BALNI D/O. NARENDRA PARASRAM
GOPALANI

Versus

RAJAN MUKESHBHAI BALANI

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Appearance:

PRITESH M SHAH(8405) for the Appellant(s) No. 1

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CORAM: **HONOURABLE MR. JUSTICE A.Y. KOGJE**

and

HONOURABLE MS. JUSTICE NISHA M. THAKORE

Date : 27/03/2026

ORAL ORDER

(PER : HONOURABLE MR. JUSTICE A.Y. KOGJE)

Order in First Appeal:

Learned advocate for the appellant has drawn our attention to the para 11 of issue nos. 1 to 3 wherein, the matter had proceeded ex-parte on account of non payment of cost of Rs.3,000/- by the applicant wife which was imposed to give an opportunity for cross-examining the husband. Learned advocate has also submitted that the appellant is not being paid any maintenance and the application for interim maintenance was ordered to be heard along with final maintenance application which is also awaiting adjudication. Learned advocate has also indicated that there is a scope of settlement as he is aware of memorandum of understanding forwarded by the husband and the wife. It is submitted that it is in fact on account of mis- communication possibility of settlement that the wife has not deposited the amount of

Rs.3,000/- which resulted into the matter proceeding ex-parte.

2. Issue notice upon the respondent, making it returnable on 24.04.2026.

Order in Civil Application:

Issue notice upon the respondent, making it returnable on **24.04.2026**. In view of the aforesaid fact situation as submitted by the learned advocate for the applicant, the Court deems it fit to stay the implementation, operation and execution of the impugned judgment and order dated 1.12.2025 passed by the learned Family Court, Ahmedabad in Family Suit No.1850 of 2021.

(A.Y. KOGJE, J)

(NISHA M. THAKORE,J)

RATHOD KAUSHIKSINH