

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

With

CIVIL APPLICATION (FOR ORDERS) NO. 2 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

**MR VB MAKWANA FOR MR MOHITKUMAR M BHATTI(9930) for the
Defendant(s) No. 1**

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CORAM: HONOURABLE MR. JUSTICE BHARGAV D. KARIA

and

HONOURABLE MR. JUSTICE L. S. PIRZADA

Date : 08/05/2026

ORAL ORDER

(PER : HONOURABLE MR. JUSTICE BHARGAV D. KARIA)

1. Heard learned advocate Mr. Pritesh M. Shah for the appellant and learned advocate Mr. V.B. Makwana for learned advocate Mr. Mohitkumar M. Bhatti for the respondent.

2. First Appeal is filed by the appellant-wife being aggrieved by decree of divorce passed by the Family Court No.3, Ahmedabad by judgment and decree dated 01.12.2025 in Family Suit No.1850/2021 whereby the marriage solemnized between the parties was ordered to be dissolved with effect from the date of decree on the ground of cruelty under section 13(1)(i-a) of the Hindu Marriage Act, 1955.
3. Learned advocate Mr. Pritesh Shah for the appellant-wife and learned advocate Mr. V.B. Makwana for learned advocate Mr. Mohitkumar M. Bhatti for the respondent-husband submitted that an amicable settlement has been arrived at between the parties on 23.04.2026 for consent divorce. It was submitted that Civil Application No.2/2026 is preferred with a prayer to quash and set aside the ex-parte judgment and decree dated 01.12.2025 passed by the learned Family Court in Family Suit No. 1850/2021 or in the alternative substitute the decree of divorce passed by the learned Family Court as a consent decree of divorce under section 13B of the Hindu Marriage Act, 1955 in terms of settlement arrived at between the parties and

reduced in writing.

4. The appellant and the respondent are present before this Court through video conference and they have given their consent to the Settlement Agreement reduced in writing on 23.04.2026.
5. Learned advocates for both the sides also submitted that almost all the terms of settlement are complied with except the proceedings initiated under section 498A of the IPC which also shall be disposed of and affidavit of the appellant is given to the Court.
6. In view of above submissions, the impugned judgment and decree passed by the learned Family Court No.3 is substituted by consent decree of divorce as per the terms of Settlement Agreement dated 23.04.2026 arrived at between the parties under section 13B of the Hindu Marriage Act, 1955.
7. Accordingly, the judgment and decree dated 01.12.2025

passed by the learned Family Court No.3 in Family Suit No. 1850/2021 is hereby quashed and set aside and the matter is remanded back to the learned Family Court to draw a decree as consent decree under section 13B of the Hindu Marriage Act, 1955 as per the Settlement Agreement dated 23.04.2026 placed on record at Annexure-B to the Civil Application No.2/2026

8. Appeal as well as Civil Applications are accordingly disposed of.

(BHARGAV D. KARIA, J)

(L. S. PIRZADA, J)

RAGHUNATH R NAIR