

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/FIRST APPEAL NO. 1430 of 2025**

**With
CIVIL APPLICATION (FOR STAY) NO. 1 of 2025
In R/FIRST APPEAL NO. 1430 of 2025**

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MOHITKUMAR UPENDRABHAI KADIYA

Versus

**VIJESHRI D/O VINODKUMAR KANTILAL KADIYA W/O MOHITKUMAR
UPENDRABHAI KADIYA**

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Appearance:

PRIYANKA P THAKKAR(5890) for the Appellant(s) No. 1

NOTICE SERVED BY DS 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 : 27/02/2026

ORAL ORDER

(PER : HONOURABLE MS. JUSTICE SANGEETA K. VISHEN)

1. Mr J. V. Japee, learned advocate for Ms Priyanka P. Thakkar, learned advocate for the appellant states that the captioned appeal is against the judgment whereby, the learned Judge has ordered the appellant to take the respondent back. It is submitted that this Court, has issued notice twice; one, vide order dated 08.05.2025 and second, fresh notice vide order dated 01.09.2025. It is submitted that though the notices are served and received by the respondent, she has chosen not to enter appearance. On one hand she has not entered appearance before this Court and on the other hand, in the execution proceedings, she is insisting for execution of the order.

2. Issue fresh notice to the respondent, returnable on 09.03.2026. If the respondent fails to enter appearance, the

possibility of passing the order securing the presence of the respondent, may not be ruled out including issuance of theailable warrant. Direct service is permitted.

(SANGEETA K. VISHEN,J)

RAVI P. PATEL

(NISHA M. THAKORE,J)