

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/CRIMINAL MISC.APPLICATION (RECALL) NO. 15576 of 2024
In
R/CRIMINAL REVISION APPLICATION NO. 824 of 2022

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AJIT KALIDAS VAGHELA
Versus
MINOR YUG AJITKUMAR VAGHELA THRO DAXABEN D/O BHIMABHAI
HARIJAN & ORS.

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Appearance:

MR IH SYED, SENIOR COUNSEL with MS VIDHI J BHATT(6155) for the
Applicant(s) No. 1
MR HARDIK MEHTA, ADDITIONAL PUBLIC PROSECUTOR for the
Respondent(s) No. 4

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CORAM: HONOURABLE MS. JUSTICE GITA GOPI

Date : 30/08/2024

ORAL ORDER

1. By way of the present application, a prayer is made to recall the order of this Court dated 03.07.2024 passed in the above main matter.
2. Heard learned Senior Counsel Mr. I.H. Syed for the applicant, who submits that the decision of the Hon'ble Apex Court in the case of **Rajnesh v. Neha and Another** reported in **(2021) 2 SCC 324** mandates that an Affidavit be filed by the wife also and thus, in absence of the Affidavit of the wife, the above order is required to be recalled.

3. Heard learned Advocates for the private respondents Mr. H.B. Raval.

4. In view of the facts stated, the order dated 03.07.2024 was passed by this Court enhancing the amount. If at all, the applicant is aggrieved then he can move the concerned learned Family Court for any change or modification and claiming benefit of the case of **Rajnish v. Neha** (supra).

5. The application stands disposed of in the aforesaid terms.

Direct Service is permitted.

CAROLINE

Sd/-
(GITA GOPI,J)