

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/FIRST APPEAL NO. 3362 of 2025****With****CIVIL APPLICATION (FOR STAY) NO. 1 of 2025****In R/FIRST APPEAL NO. 3362 of 2025****VANDANA W/O PRADEEPKUMAR R PRAJAPATI D/O RAMAKANT
PRAJAPATI****Versus****PRADEEPKUMAR RAMNATH PRAJAPATI****Appearance:****MR ANURAG MEHTA WITH MS BHAKTI M JOSHI(3820) for the Appellant(s)
No. 1****MR. HARDIK B KORADIYA(9955) for the Defendant(s) No. 1****CORAM: HONOURABLE MS. JUSTICE SANGEETA K. VISHEN****and****HONOURABLE MS. JUSTICE NISHA M. THAKORE****Date : 22/09/2025****ORAL ORDER****(PER : HONOURABLE MS. JUSTICE SANGEETA K. VISHEN)****Order in First Appeal:**

1. Ms Bhakti M. Joshi, learned advocate appearing for the appellant submitted that the appellant got married to the respondent in December 2018 and in the month of October 2019, they had a son. It is submitted that till the child was born she has stayed with her husband. It is thereafter, that there was a separation. Family suit, was filed in the year 2020 seeking divorce; however, as the proceedings were referred for mediation, and once again, the appellant returned back to her matrimonial house and stayed there for almost one and half years. It is submitted that the judgment has been passed on the ground that the respondent husband has been subjected to cruelty. Baring one complaint under Section 498 and the application under Section 125, there is nothing on the record to suggest that the respondent was subjected to

cruelty. It is submitted that the appellant is tenth passed and having a son who, is now six years of age and will be required to be admitted to school.

2. Mr Hardik B. Koradiya, learned advocate appearing for the respondent submitted that the respondent was subject to cruelty. Father is aged and allegations of harassment were made against him. It is submitted that all efforts were put by the respondent earlier to bring her back but the applicant wife was adamant and did not come as a result, the Family Court had to intervene and it is only thereafter, she had come to her matrimonial house.

3. Considered the submissions. **Admit.** Mr Hardik B. Koradiya, learned advocate waives service of notice of admission on behalf of the respondent.

Order in Civil Application:

Issue notice to the respondent, returnable on 06.10.2025.

Let there be a stay of operation and implementation of the judgment dated 08.08.2025, till the next date of hearing.

(SANGEETA K. VISHEN,J)

(NISHA M. THAKORE,J)

RAVI P. PATEL

Original copy of this order has been signed by the Hon'ble Judges.
Digitally signed by: RAVI PRAVINCHANDRA PATEL(HC01068), PRIVATE SECRETARY, at High Court of Gujarat on 23/09/2025 09:50:37