

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/FIRST APPEAL NO. 4153 of 2025****With****CIVIL APPLICATION (FOR STAY) NO. 1 of 2025****In R/FIRST APPEAL NO. 4153 of 2025****PARMAR RAMILABEN W/O VIJAYKUMAR D/O DANABHAI PATHABHAI
MAKVANA****Versus****VIJAYKUMAR RAJANIKANT PARMAR****Appearance:****MR NITINBHAI M DESAI(13406) for the Appellant(s) No. 1****MR.KIRIT R CHAUDHARI(3745) for the Appellant(s) No. 1****CORAM: HONOURABLE MS. JUSTICE SANGEETA K. VISHEN
and****HONOURABLE MS. JUSTICE NISHA M. THAKORE****Date : 21/11/2025****ORAL ORDER****(PER : HONOURABLE MS. JUSTICE SANGEETA K. VISHEN)****Order in First Appeal:**

1. Mr Kirit R. Chaudhari, learned advocate appearing for the appellant submitted that the marriage was solemnized on 10.02.2008 and in the year 2009, the baby girl was born. From January 2010, the wife was driven out together with the daughter. It is submitted that all these years, there is not a single criminal case filed by the appellant; however, the learned Judge has believed that the parties are not staying together since last more than 9 years. It is surprising that the aspect of cruelty has been accepted despite the fact that the parties have stayed together for hardly an year or so. It is submitted that the issue of desertion is not believed and cruelty is.

2. Considered the submissions. Issue notice to the respondent, returnable on 23.01.2026.

3. Over and above the normal mode of service, service of notice through Speed Post is also permitted.

Order in Civil Application:

1. Heard Mr Kirit R. Chaudhari, learned advocate appearing for the applicant.

2. Issue notice to the respondent, returnable on 23.01.2026.

3. Till the next date of hearing, by way of ad-interim relief, the impugned judgment dated 28.10.2025 is hereby stayed.

4. Over and above normal mode of service, service of notice through Speed Post is also permitted.

(SANGEETA K. VISHEN,J)

(NISHA M. THAKORE,J)

RAVI P. PATEL