

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/FIRST APPEAL NO. 4591 of 2024****With****CIVIL APPLICATION (FOR STAY) NO. 1 of 2024****In R/FIRST APPEAL NO. 4591 of 2024**

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ASHISH VRAJLAL JETHWA**Versus****SAPNABEN W/O ASHISH VRAJLAL JETHWA AND D/O DINESHBHAI****VITTHALBHAI VADHER**

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Appearance:**JIGNESHKUMAR P PANDAV(8297) for the Appellant(s) No. 1**

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CORAM: HONOURABLE MR. JUSTICE BIREN VAISHNAV**and****HONOURABLE MR. JUSTICE DEVAN M. DESAI****Date : 01/01/2025****ORAL ORDER****(PER : HONOURABLE MR. JUSTICE BIREN VAISHNAV)**

1. Heard learned counsel Mr.Digpalsinh Rathod for learned counsel Mr.Jigneshkumar Pandav for the appellant.

2. The challenge by the appellant is to the order passed by the Family Court in an application for custody filed by the respondent. Though, the application filed by the wife is partly allowed granting visitation rights to the respondent.

3. Mr.Digpalsinh Rathod, learned counsel for the

appellant, would submit that since the child is with the father since the year 2018; even the limited relief of visitation granted to the respondent is misconceived.

4. The respondent is present in the Court and states that she through an Advocate, is considering to file an appeal since the application for custody is only partly allowed.

5. Since Mr.Rathod, learned counsel for the appellant, requested that pending the appeal, the order be stayed. On inquiry from the respondent, who is present before us, we are informed that she has filed an Execution Petition, which is to be listed on 29.01.2025.

6. Issue Notice to the respondent making it returnable on 13.01.2025.

Direct service is permitted.

(BIREN VAISHNAV, J)

(D. M. DESAI,J)

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