

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

FAMILY COURT APPEAL NO.11 OF 2022

Mr. Jay Vijay Waghmare ..Appellant
Versus
Mrs. Jyoti Jay Waghmare ..Respondent

Mr. Iqbal Abdulla Zarodarwala, for the Appellant.

**CORAM : NITIN W. SAMBRE &
SHARMILA U. DESHMUKH, JJ.**

DATE : 9th JUNE, 2023

PC.

1. Heard counsel for the appellant.
2. The appellant approached the Family Court vide proceedings being Petition No.A-795 of 2016 seeking divorce under Section 13(1)(ia) of the Hindu Marriage Act. The said proceedings came to be dismissed vide impugned judgment and order dated 23rd September, 2019. As such, this appeal.
3. The contentions are that proceedings were initiated in the year 2013 and since almost last ten years there is no husband and wife relationship between the appellant and respondent.
4. Though served notice before admission, none appears for the respondent.

5. In view of above, we deem it appropriate to issue fresh notice to the respondent indicating that if time permits, the appeal shall be taken up for final disposal at admission stage.
6. Service by Registered Post AD is permitted.
7. Liberty to file service affidavit.
8. Notice is made returnable on 7th July, 2023.
9. Call record and proceedings.

[SHARMILA U. DESHMUKH, J.]

[NITIN W. SAMBRE, J.]