*Harish*

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

**WRIT PETITION NO.12159 OF 2023**

Rajesh Omdutt Sharma ....Petitioner

***Versus***

Kiran Rajesh Sharma ....Respondent

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Mr. Ishaan V. Pathar a/w Durgesh G. Desai i/b Sudarshan Desai for the Petitioner.

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**CORAM : SHARMILA U. DESHMUKH, J.**
**DATE : JANUARY 29, 2024.**

**P.C. :**

**1.** Heard.

**1.** The Petition challenges the order dated 14th September, 2021 and judgment dated 20th July, 2022 passed by the Trial Court allowing the application filed by the Respondent wife under Order 9 Rule 13 setting aside the decree of divorce which was granted.

**2.** Learned counsel for the Petitioner submits that the Respondent wife was having notice of the proceeding as E-mails were sent. He further submits that the summons was tried to be served through the bailiff at the last known address, however the Respondent wife was not residing at the said address. He further submits that the notice was also published in the

Marathi news paper. He further submits that after the ex-parte judgment and decree was passed, he has re-married and as such is gravely prejudiced by the order setting aside the ex-parte judgment and decree.

**3.** Issue notice to the Respondent returnable on **20th February, 2024**. In addition to Court notice, Petitioner to serve the Respondent by private notice by all permissible modes of service and file affidavit of service before the returnable date.

(SHARMILA U. DESHMUKH, J. )