

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
FAMILY COURT APPEAL NO. 55 OF 2024

Mrs. Shipra Aditya Jain (Before Ms. .. Appellant
Shipra Gopalhari Upadhaya)
Versus
Mr. Aditya Jaykumar Jain .. Respondent
...

Adv. M.K. Guha a/w Adv. Rajnath Pal for the Respondent.

CORAM: BHARATI DANGRE &
MANJUSHA DESHPANDE, JJ.
DATED : 27th MARCH, 2026

P.C:-

1. The appeal is filed challenging the *ex parte* decree passed by the 4th Family Court, Mumbai, in the Petition No. A-1239 of 2019, dissolving the marriage solemnized between the parties. The submission advanced is that, for a period of almost two years, the appellant did not remain present as she was informed by her counsel that her presence was not required in Court.
2. Though we have before us the Roznama proceedings and we find that, almost from 2022, the respondent chose to remain absent and did not availed the opportunity given to her to file a ws upon payment of costs, which constrained the Court to proceed without ws.
3. When the affidavit in lieu of examination in chief was filed by the petitioner and a pursis was filed for closing of evidence, she did not avail any opportunity for quashing and setting aside the said order

and seeking cross-examination.

4. The contention of the learned counsel for the appellant is that, despite her absence, the Court ought to have appreciated the case of the petitioner on merits in light of the material placed by him on record. For this purpose, we direct the counsel for the respondent to place on record the copy of the Petition No. A-1239 of 2019 and a copy of his evidence affidavit.

List on 17/04/2026.

(MANJUSHA DESHPANDE, J.)

(BHARATI DANGRE, J.)