

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD

**FCAST NO.30738 OF 2013
WITH
C.A.NO.15880 OF 2013.**

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders
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Mr.N.C.Garud, advocate for the Appellant.
Mr.R.S.Sarvadnya, advocate for Respondent.

**CORAM : S.V.GANGAPURWALA AND
A.M.BADAR, JJ.**
Date : 22.01.2016.

PER COURT :

1. Heard.
2. Mr.Garud, learned counsel submits that the notice was not served upon the appellant, as such did not get opportunity to contest the matter. The Court has erroneously passed the decree of divorce on the ground of cruelty. The appellant at no point of time inflicted cruelty upon the Respondent. False and bald allegations are made against the appellant. According to the learned counsel, the evidence of the real brother and brother's wife is an evidence of interested witnesses.
3. Mr.Sarvadnya, learned counsel for the Respondent supports the judgment and submits that after the judgment is passed and the

limitation to file appeal is over, the Respondent is married and is staying with the husband after remarriage. The Court has rightly considered the aspect of cruelty. The appellant herein was addicted to liquor. He used to abuse the Respondent.

4. We have considered the submissions. The Respondent after the limitation period is over, has remarried. It has been observed that the appellant has been served by email. Service by email is a proper and accepted service. There was no reason for the appellant not to appear in the said proceeding. The Family Court has observed about the narration of incident at Goa and about the ill-treatment meted out to her. The same is discussed in para 7 and 8 of the judgment.

5. It has been submitted by the learned counsel for the Respondent that after remarriage, the Respondent is residing happily with the husband. Considering the evidence on record, the Family Court has arrived at a plausible conclusion.

6. In light of the above, the Family Court Appeal is dismissed. No costs.

7. The Civil Application also stands disposed of.

(A . M . BADAR , J .)

(S . V . GANGAPURWALA , J .)

