

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

CIVIL APPLICATION NO. 141 OF 2013

WITH

CIVIL APPLICATION NO. 142 OF 2013

IN

FAMILY COURT APPEAL (ST.) NO. 14375 OF 2013

Bhagwant Ramchandra Pawar

...Appellant

Versus

Mrs. Hemlata Shekhar Pawar & Anr.

...Respondents

Mr. A.J. Kandarkar, for the Appellant.

Ms. Rajlaxmi Punjabi, with Ms. P.M. Bhansali, i/b Ketan A. Chothani,
for Respondents.

**CORAM : A.S. OKA &
A.A. SAYED, JJ.**

DATE : 20th July 2016

P.C. :

1. This is an Application made by the Applicant for grant of leave to prefer Family Court Appeal under Section 19 of the Family Court Act, 1984 for challenging the decree dated 23rd January 2013 passed by the Family Court in a Petition filed by the 1st Respondent-

wife against the 2nd Respondent-husband. The decree is of Restitution of Conjugal Rights. The operative part of the decree reads thus :-

“The Petition stands decreed with costs.

Respondent is directed to resume conjugal company of petitioner by taking her to Pune in the matrimonial home within 30 days from the date of this order under section 9 of the Hindu Marriage Act, 1955.”

2. Obviously, the Applicant who is the father of the husband cannot be aggrieved by the decree of Restitution of Conjugal Rights. The submission of the learned Counsel appearing for the Applicant is that on the basis of the impugned decree, the 1st Respondent-wife is trying to enter the premises of the Applicant.

3. Firstly, there is no decree in respect of the premises allegedly claimed by the Applicant. The impugned decree is a personal decree against the 2nd Respondent, directing the 2nd Respondent to take the 1st Respondent to the matrimonial home and to resume matrimonial life.

4. If the possession of the Applicant is sought to be disturbed by the 1st Respondent, the Applicant can always adopt appropriate remedy in accordance with the law. Subject to what is observed above, we decline to grant leave and reject the Civil Application No. 141 of 2013.

5. Civil Application No. 142 of 2013 does not survive and the same is disposed of.

6. We make it clear that all contentions as well as the remedies of the Applicant are expressly kept open.

[A.A. SAYED, J.]

[A.S. OKA, J.]