

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD.**

CIVIL APPLICATION NO. 2086 OF 2019

IN

FAMILY COURT APPEAL NO. 12 OF 2019

Sujata Pritam Dargad.

Applicant.

Versus

Pritam Vijaykumar Dargad.

Respondent.

Mr. S.S. Gangakhedkar, Advocate for the applicant.

**CORAM : T.V. NALAWADE AND
SUNIL K. KOTWAL, JJ.**

Dated : 5 February 2019.

ORDER :-

. Learned Counsel for the applicant argued for interim relief. He submitted that when the decree of restitution of conjugal right came to be passed in favour of the husband on 02.11.2018, which is virtually exparte, the husband filed proceeding for divorce under the provisions of Section 13 (1) (ia) of the Hindu Marriage Act and notice of the said proceeding came to be issued by Family Court on 14.01.2019. Learned Counsel submitted that on one hand the husband has got decree for

restitution of conjugal rights in aforesaid matter and on the other he is seeking decree for divorce.

2. In view of this circumstance, this Court holds that divorce proceeding needs to be stayed. So, the Civil Application is allowed and proceeding before the Family Court filed by husband for divorce is stayed.

3. Civil Application is disposed of accordingly.

(SUNIL K. KOTWAL)
JUDGE

(T.V. NALAWADE)
JUDGE

vdd/