

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

FAMILY COURT APPEAL NO. 68 OF 2018

Ms. Anushka d/o Anil Deshmukh
@ Anushka w/o Shreyas Metkute ...Appellant

Versus

Mr. Shreyas s/o Devidasrao Metkute ...Respondent

...

Mr. A. R. Vaidya, Advocate h/f Mr. Upendra A. Khekale, Advocate
for appellant
Mr. V.V. Jahagirdar, Advocate for respondent

CORAM: SUNIL P. DESHMUKH &
R. G. AVACHAT, JJ.

DATE: 10th APRIL, 2019

ORDER :

1. Learned counsel for the parties urge to take up family court appeal for hearing and dispose of the same immediately.
2. Having regard to aforesaid, family court appeal is taken up by consent of learned counsel appearing for the parties.
3. Complaint has been rejected under impugned order dated 8th August, 2018, for the reason that pleadings do not contain the ingredients referable to section 25(i) of the Special Marriage Act required for declaration of nullity of marriage and for short of

compliance of requirement of clause (iii) of the Act. It would appear that under said provisions, the pleadings would not be required to be in exactness as has been sought or expected by learned judge. Pleadings ostensibly may not give indication about compliance of requirement under section 25(i) or clause (iii) thereunder while the pleadings have been amended sufficiently and, particularly, after amendments, those appear to contain the considerations required under section 25(i), (iii) of the provisions.

4. From the facts, situation emerges and parties accept the position that there is no consummation of marriage. Narrated events / arrangements show that non-consummation has been owing to willful disinclination.

5. Learned counsel for parties accept said position without flinching. It is stated that the same is as per the instructions by the parties.

6. In view of the same, we do not consider it appropriate that, for compliance of procedure, to remit the matter and relegate the parties to the family court, as it would be a formality.

7. Learned counsel for the parties state that the decree as sought for declaration of nullity of marriage under petition can be granted by this Honourable court.

8. In view of aforesaid, Marriage petition bearing no. A-143 of 2018, is granted in terms of prayer clause (B).

9. Decree be drawn accordingly without any costs.

10. Family court appeal accordingly is disposed of.

[R. G. AVACHAT]
JUDGE

[SUNIL P. DESHMUKH]
JUDGE

vdK