

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 218 OF 2019
IN
FAMILY COURT APPEAL NO. 99 OF 2018

Surekha Sidram Gaikwad ... Applicant

IN THE MATTER OF :

Surekha Sidram Gaikwad ... Appellant

Versus

Sidram Pralhad Gaikwad ... Respondent

Ms.Bhagyashri Vishal a/w. Mr. Ajinkya Salunke i/b. R.V.Sankpal and Associates for
the Applicant – Appellant.

Mr.Priyal G. Sarda for Respondent.

CORAM : AKIL KURESHI &

S.J. KATHAWALLA, JJ.

DATE : 16TH AUGUST, 2019

P.C.:

1. Rule.
2. The learned Advocate appearing for the respondent waives service of rule.
3. This civil application is taken out by the wife seeking injunction against the husband entering and dispossessing her from the matrimonial home, which she is occupied along with her two unmarried daughters. She has also prayed for the directions preventing her husband from selling the said property or alienating in any

manner and to continue to pay the loan repayment installments.

4. Previously, sufficient time was granted for filing the reply, if so desired. Today, once again additional time was prayed, which was refused.

5. We have heard the learned advocates appearing for the parties for final disposal of the civil application. The record would suggest that there are serious matrimonial disputes between the wife and husband. Previously, we had put in efforts to see if these disputes can be resolved. The efforts however failed. The wife is residing in the matrimonial home, purchased by the respondent by taking a loan, which he is repaying. The respondent is employed in the police department. He has also entered in to another marriage, validity of which is questionable. The second wife has a child, who is residing with couple. The Respondent is residing in the official quarter allotted to him by the department. The applicant wife has no other place of residence. She is residing at the said place with her two unmarried daughters. The contention of the counsel of the respondent that this is not the matrimonial home, cannot be accepted at this stage. Under the circumstances, the applicant wife has made out a case for granting reliefs noted above. The civil application is therefore disposed off with following directions :

i. The Respondent shall not enter the said house or in any manner prevent the applicant and her daughters from full enjoyment and occupation thereof till further orders.

- ii. He shall not sell, transfer, lease or in any manner create third party interest on the said premises and continue to pay the loan installments regularly.
- iii. The civil application is accordingly disposed off.

(S.J.KATHAWALLA, J.)

(AKIL KURESHI, J.)