

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.2907 OF 2019
IN
FAMILY COURT APPEAL NO.7 OF 2018

Sudhir Madhavrao Chavan and Anr. ..Applicant/Intervenors

IN THE MATTER BETWEEN

Manjusha Sumeet Chavan @ Deshmukh ..Appellant

Versus

Sumeet Sudhir Chavan ..Respondent

Ms. Vrushali L. Maindad, Advocate for the Applicant/Intervenors.

Mr. Aashish Satpute, Advocate for the Appellant.

Mr. Ajinkya Udane, Advocate for the Respondent.

CORAM : UJJAL BHUYAN &
PRITHVIRAJ K. CHAVAN, JJ.
DATE : 15th JUNE, 2021

P.C.

Heard Ms. Vrushali Maindad, learned counsel for the intervenors ; Mr. Aashish Satpute, learned counsel for the appellant and Mr. Ajinkya Udane, learned counsel for the respondent.

2. This interim application has been filed by the applicants Sudhir Madhavrao Chavan and Shilpa Sudhir Chavan seeking intervention in the proceedings of Family Court Appeal No.7 of 2018.

3. Be it stated that the related appeal has been preferred by the son of the applicants as the appellant against the judgment and order dated

25.09.2017 passed by the Family Court No.5, Pune dissolving the marriage of the appellant and respondent by granting a decree of divorce on the ground of cruelty. It may be mentioned that respondent had filed a petition before the Family Court under section 13(1)(ia) of the Hindu Marriage Act, 1955 which was allowed by the judgment and order dated 25.09.2017.

4. It appears that present applicants had filed an application before the 12th Judicial Magistrate First Class, Pune for removing the appellant from their home. By order dated 16.07.2018 the said application was rejected.

5. When we put a query to learned counsel for the applicants as to whether said order dated 16.07.2018 has been further challenged by the applicants, she is unable to answer our query. Learned counsel for the respondent who is the son of the applicants is also unable to tell us anything in this regard though subsequently he submitted that the said order has remained unchallenged.

6. *Prima facie*, we feel that applicants are strangers to the Family Court Appeal which is before us wherein the subject matter is legality and validity of the judgment and order dated 25.09.2017. If the applicants are not satisfied with the order dated 16.07.2018, it is open to them to avail their legal remedy but without availing such remedy, we do not feel that an identical prayer can be made by the applicants in the related Family Court Appeal. Considering the above, we are not inclined to entertain the interim application No.2907 of 2019.

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7. However, Registry to expedite hearing of Family Court Appeal No.7 of 2018.

8. Interim application is dismissed.

PRITHVIRAJ K. CHAVAN, J

UJJAL BHUYAN, J