

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

WRIT PETITION NO.14852 OF 2023

VIDHINA GANESH JAMDADE

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

....

Ms. Maya R. Jamdhade, Advocate for Petitioner

Mr. P. K. Lakhotiya, AGP for Respondent – State

....

**CORAM : RAVINDRA V. GHUGE AND
Y. G. KHOBRAGADE, JJ.**

DATE : 06.12.2023

PER COURT :-

1. The Petitioner got married and started residing with her husband in his marital home, which is not the village in which the Petitioner was residing while she was unmarried. Due to her marriage, her residence shifted to the residence of her husband and hence, the impugned order cancelling the residence certificate of the Petitioner.

2. The learned Advocate for the Petitioner has placed reliance upon a divorce understanding drawn on Rs.100/- non judicial stamp paper which is registered by a Notary, to contend that she has taken divorce from her husband by mutual consent. The learned AGP rightly submits that such divorce understanding

or settlement on a Rs.100/- non judicial stamp paper, is not recognized in law. Admittedly, there are no divorce proceedings between the parties before a Family Court or a competent Court.

3. The learned Advocate for the Petitioner submits that the Petitioner has returned to her parental home and has again started residing in Baradshevala, Taluka Hadgaon, District Nanded. She should be granted a residence certificate on the basis of she having returned to her parental home.

4. This Court will not recognise the divorce agreement between the parties. We do not render any probative value to the affidavit of divorce understanding. If the Petitioner makes a fresh application to the competent authority, we expect the State authority to carry out an investigation and upon verifying the fact situation, an order be passed strictly in accordance with law, on the application which is likely to be filed by the Petitioner.

5. In view of the above, **this Petition is disposed off.**

[Y. G. KHOBRADE, J.]

[RAVINDRA V. GHUGE, J.]

SMS