

**Nikita**

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION**

**WRIT PETITION NO.12252 OF 2019**

Santosh Anand Pagare

... Petitioner

**V/s.**

Kavita Santosh Pagare

... Respondent

Digitally  
signed by  
NIKITA  
KAILAS  
KAKADE  
Date:  
2023.10.13  
14:25:29  
4530

Mr. Yogen Kakade for the Petitioner, present through  
video conferencing.

**CORAM : AMIT BORKAR, J.**

**DATED : OCTOBER 13, 2023**

**P.C.:**

**1.** By the present petition, the petitioner husband is challenging order passed by the Family Court setting aside ex-parte decree passed in Petition No.408 of 2016, dated 4<sup>th</sup> January 2017. The Trial Court recorded a finding that notice of Petition No.408 of 2016 was served on the address of wife's father. The report indicates that her brother accepted the notice, however, material on record indicates that the wife was not residing along with her father at the relevant time and she was residing at Chembur. Trial Court recorded a finding that the husband was aware that she was not residing at the given address. Notice of proceedings was intentionally sent to the address of Chembur. The Trial Court therefore, allowed the application for ex-parte decree and directed Petition No.408 of 2016 to be restored.

2. According to learned advocate for the petitioner, after four months of grant of decree the husband has granted decree. The effect of such marriage shall be considered by the Trial Court in accordance with law.
3. By this clarification I am satisfied that positive exercise of jurisdiction based on sufficient cause does not call for interference.
4. The writ petition stands dismissed. No costs.

**(AMIT BORKAR, J.)**