



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

929 FAMILY COURT APPEAL NO. 23 OF 2024

DHANANJAY PANDHARINATH GAVLI

VERSUS

MEERA DHANANJAY GAVLI AND ANR

...
Mr. C. V. Thombre, Advocate for Appellant.
...

CORAM : SMT. VIBHA KANKANWADI AND
S. G. CHAPALGAONKAR, JJ.

DATE : 19th APRIL, 2024.

ORDER :-

1. Heard learned Advocate for the appellant and perused the documents on record.

2. The appellant is the husband of respondent No.1, who had filed the petition under Section 13(1)(i-A) of Hindu Marriage Act for divorce before the Family Court, Aurangabad. It appears from the pleading that the appellant and respondent No.1 are blessed with three children i.e. two daughters and one son. The divorce has been sought on two counts, one cruelty and second living adulterous life with respondent No.2. The respondents before the Trial Court failed to cause appearance and, therefore, matter proceeded *ex parte*. The appellant has led the evidence of himself by filing affidavit of examination-in-chief, marriage documents and one missing complaint with the police.

He has not examined anybody else to support his contention. Merely by stating that the affidavit of the examination-in-chief has gone unchallenged will not be the sufficient proof to support the allegations those have been made. The appellant has not examined his elder daughter, who appears to be 13 years old, who could have been the best person to state about the alleged treatment of cruelty given by respondent No.1 to him. As regards adulterous life is concerned, except bare allegations there is nothing. The complaint is in respect of missing and not eloping. Under the said circumstance, the reasons given by the Trial Court for rejecting the prayers for divorce are correct and cannot be said to be illegal.

3. The appeal is not even worth admitting and, therefore, dismissed at the threshold.

[S. G. CHAPALGAONKAR]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

scm