



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

FAMILY COURT APPEAL NO. 50 OF 2025

SWATI SURESH SHELKE
VERSUS
SURESH BABURAO SHELKE

...
Mr. Estling S. Murge, Advocate for Appellant
Mr. Vikas G. Kodale, Advocate for Respondent
...

**CORAM : NITIN B. SURYAWANSHI AND
VAISHALI N. PATIL JADHAV, J.J.**

DATE : 09th SEPTEMBER, 2025

PER COURT :

1. Appellant takes exception to the judgment and decree dated 08/04/2024, passed by learned Judge, Family Court, Latur, in Petition No. A-126/2022, thereby allowing the petition filed by the respondent husband under Section 9 of the Hindu Marriage Act, 1955.
2. Appellant wife appeared in the petition filed by husband and opposed the petition by filing written statement. She contended that she was being harassed for demand of Rs.5 Lakhs. Trial Court recorded evidence of the husband, wife failed to cross-examine the husband and lead evidence. Trial Court, therefore, allowed the petition filed by husband as his evidence went unchallenged.
3. Wife contends that she stays at remote village in Jalna District and she was not informed by her advocate that the trial is going on. Therefore, she could not instruct her lawyer for cross-

examination of the husband and lead evidence.

4. Aforestated facts indicate that the appellant wife could not cross-examine the husband and lead evidence. She should get fair opportunity to contest the petition filed by husband on merits and lead the evidence. Hence, the appeal deserves to be allowed.

5. In the result, following order:-

ORDER

- (I) The Family Court Appeal is allowed.
- (II) Judgment and decree dated 08/04/2024, passed by learned Judge, Family Court, Latur, in petition No. A-126/2022, is quashed and set aside.
- (III) The matter is remanded back to the Family Court, Latur, for fresh consideration on merits.
- (IV) Parties to appear before Family Court, Latur, on 29/09/2025.
- (V) Family Court, Latur, shall decide the matter within a period of six months from 29/09/2025.

(VAISHALI N. PATIL JADHAV, J.) (NITIN B. SURYAWANSHI, J.)