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IN THE HIGH COURT OF BOMBAY AT GOA

CIVIL APPLICATION NO.15 OF 2022

IN

SECOND APPEAL NO.18 OF 2022

REKHA JHA @ REKHA SETH

... APPLICANT

Versus

**NANDALAL RAJENDRA SETH, REP. BY
POA, KALAWATI RAJENDRA SETH AND
ANR**

... RESPONDENTS

Mr. Prashil Arolkar, Advocate under Legal Aid Scheme for the Applicant.

Mr. Shailesh Redkar, Advocate for the Respondents.

CORAM:- BHARATI H. DANGRE, J.

DATED :- 21st March, 2025

P.C.:

1. On 13.10.2022, the Second Appeal filed by the Appellant came to be admitted on three substantial questions of law.

2. The Civil Application filed in the Appeal was also heard on 13.10.2022 and considering that a case is made out for ad interim relief, as per terms of prayer clause (a), the relief was granted in terms of prayer clause (a). It was also indicated in the order passed on the very same day i.e. on 13.10.2022, that the Applicant shall not create any third party rights or part possession with the suit flat during the pendency of the Second Appeal.

3. The learned Counsel for the parties have invited my attention to another order dated 18.08.2023 which refers to Criminal Appeal No.93/2019 challenging the order passed by the J.M.F.C., Ponda in Criminal Case No.59/OA/DVA/2011/B filed under the Protection of Women from Domestic Violence Act, 2005 since the Applicant staked her claim as the wife of Defendant No.2. The Applicant claimed that she is the legally married wife of Defendant No.2, who was also a party Respondent in the suit filed by the son of Defendant No.2, who was successful in getting her evicted from the suit premises. Today, this Court is informed that this Criminal Appeal No.93/2019 filed by the Appellant is dismissed thereby dismissing her application under Section 12 of the Domestic Violence Act.

4. I have taken note of the aforesaid Judgment, a copy of which is taken on record and marked as 'X' for identification.

5. In any case, the decision of Criminal Appeal No.93/2019 does not directly have any effect upon the questions of law which have been formulated on which the Second Appeal is admitted, there being no change in circumstances, continuing the ad interim order of stay, the Appeal is directed to be listed in due course of time.

BHARATI H. DANGRE, J.