

Iresh

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 13049 OF 2024
IN
APPEAL FROM ORDER ST NO. 31165 OF 2022

Hemant Kumar S/o Late Shiv PrasadApplicant

Vs.

Aarti H. KumarRespondent

Mr. Aarif Ali M. Ali for the applicant/appellant.

CORAM : GAURI GODSE, J.

DATE : 14th JANUARY 2025

ORDER:

INTERIM APPLICATION NO. 13049 OF 2024:

1. This application is for restoration of the second appeal. The appeal was dismissed for non-removal of office objections within the conditional time.

2. In the facts and circumstances of the case, the application is allowed and the appeal is restored.

APPEAL FROM ORDER ST NO. 31165 OF 2022:

3. I have heard learned counsel for the appellant on the merits of

IRESH
MASHAL

Digitally
signed by
IRESH
MASHAL
Date:
2025.01.17
11:20:11
+0530

the appeal from order. The appeal challenges dismissal of the appellant's application for temporary injunction restraining the defendant from entering the suit flat. Respondent no. 1 is appellant's wife and respondent nos. 2 and 3 are children of appellant and respondent no. 1. The suit is also for simplicitor injunction claiming same relief as claimed in notice of motion. The impugned order records that there are proceedings initiated under The Protection of Women from Domestic Violence Act, 2005 against the appellant. Considering the relations between the parties, the learned Judge has refused to grant any injunction. The learned Judge has observed that the suit flat being shared household where respondent no. 1 and the children would be entitled to reside, the learned Judge has refused to grant any injunction.

4. Granting prayers in the motion would amount to decreeing the suit at the interim stage. I do not find any error in the impugned order. The appeal is devoid of any merits. Hence, the appeal is dismissed.

5. In view of dismissal of appeal, pending applications, if any, stand disposed of as infructuous.

[GAURI GODSE, J.]