IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 10830 OF 2026

VIJAY BALAJIRAO SUVARNKAR
VERSUS
STATE OF MAHARASHTRA
...
Advocate for Petitioner : Mr. Kaware Akash Rajesh (through V.C.)
AGP for Respondent No. 1 : Ms. V.S. Chaudhari
Advocate for Respondent No. 2 : Mr. Shivashish V. Bhopi
…
CORAM : MANJUSHA DESHPANDE, J.
DATE : 31ST OCTOBER, 2026

PER COURT :

1. The Petitioner herein is the husband who has raised challenge to the impugned order dated 16.06.2026, passed in Petition F no. 52/2025, by Family Court, Nanded, wherein the decree of divorce has been passed by the learned Judge of the Family Court based on the Application filed under Section 13 B of the Hindu Marriage Act.

2. It is the contention of the Petitioner that he had already withdrawn his consent by filing a pursis along with an Application on 12.05.2026. In spite of that the learned Judge, Family Court, Nanded, has proceeded with the consent Application filed under Section 13 B and has passed decree dissolving the marriage between the parties by rejecting his Application Exhibit 21. In the said impugned order, the Petitioner has

been fastened with his responsibility of making payment of Rs. 21 Lakhs, as per the terms of Application under Section 13 B to which he is not aggreable. According to him, in view of the withdrawal of his consent such decree could not be passed.

3. When the matter was listed before this Court, this Court has issued notice and the matter was taken on the board after it was mentioned by the Petitioner pleading urgency on the ground that the execution of the order was listed on the next date and he was apprehending coercive action. In view of that interim order passed by this Court on 19.10.2026.

4. Learned Advocate for the Respondent has mentioned this matter and has circulated it for vacating the interim relief and he also points out that if at all the Petitioner is aggrieved by the said order, he has remedy of challenging the judgment dissolving the marriage in Petition F no. 52/2025, by filing the Appeal against the said order.

5. Learned Advocate for the Petitioner appears through video conferencing seeks withdrawal of the Writ Petition and prays for some to file the Appeal against the said order.

6. In view of the request made by the learned Advocate for the Petitioner, the Writ Petition is allowed to be withdrawn with liberty to file a First Appeal against the said order.

7. The interim order granted by this Court on 19.10.2026, shall operate till further period of three weeks, so as to enable the Petitioner to file the First Appeal and obtain necessary orders.

8. The Writ Petition is disposed of.

(MANJUSHA DESHPANDE, J.)

SPC