



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CIVIL APPLICATION (CAO) NO. 400 OF 2026

IN

FAMILY COURT APPEAL NO. 46 OF 2023

DR. AMITKUMAR MADHUSUDAN BAGDIA

VS

DR. SHRITIKA AMITKUMAR BAGDIA

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. J. B. Gandhi, counsel for the appellant.

Mr. V.H. Goyanka, counsel for the respondent.

**CORAM : SMT. M.S. JAWALKAR AND
NANDESH S. DESHPANDE, JJ.**

DATED : 24.04.2026

CIVIL APPLICATION (CAO) NO. 400 OF 2026

1. This is an application for extension of stay, which was granted by this Court on 27.03.2026. Family Court Appeal No. 46 of 2023 was allowed by this Court, and the judgment and decree dated 18.08.2023 passed by the Family Court, Akola, in Petition No. A-98 of 2021 was set aside. The petition bearing Petition No. A-98 of 2021 filed by the appellant was allowed, and it was declared that the marriage between the parties dated 09.03.2019 stands dissolved.

2. However, after pronouncement of the judgment, the learned counsel appearing for the respondent, through video conferencing, prayed for stay to the effect and

operation of the judgment. Having regard to the facts of the case, this Court stayed the judgment and decree in Family Court Appeal No. 46 of 2023 for a further period of four weeks. It was also made clear that, after the expiration of the said period, the said stay would be vacated automatically. In this context, the present application is filed seeking various reliefs. Firstly, it seeks a direction to the registry of this Court to mask, redact and/or remove the personal details of the parties, namely their names, addresses, etc. as uploaded on the official website. It also prays for a direction to the entire electronic media from printing/publishing any matter relating to the said Family Court, Appeal. It also prays for extension of stay of the judgment and decree dated 27.03.2026 in Family Court Appeal No. 46 of 2023 for a further period of six weeks from the date of expiration of the existing stay.

3. We have heard Shri V. H. Goyanka, learned counsel for the applicant, i.e., the original respondent/wife. He submits that the period of stay is to expire today, i.e., 24.04.2026. He also submits that the SLP bearing Diary No. 24714 of 2026 has already been filed before the Hon'ble Apex Court and the same is pending. He therefore prays that, firstly, the details of the parties should be removed from the website, media be restrained from publishing news and the stay be extended so as to enable the applicant, i.e., the respondent wife, to pursue her legal remedy.

4. He also places reliance on the judgment of the Hon'ble Apex Court in the case of ***Kunhayammed and others Vs. State of Kerala and another*** reported in (2000) 6 SCC 359.

5. Mr. J.B. Gandhi, learned counsel appearing for the original appellant, i.e., the husband (non-applicant) herein, however, vehemently opposes the application and the request for extension of stay. He submits that this Court would have no power to extend the stay. He places reliance on the judgment of the Hon'ble Supreme Court in the case of ***State Bank of India and others Vs. S. N. Goyal*** reported in (2008) 8 SCC 92.

6. We have perused the contentions canvassed by the learned counsel for the parties and also gone through the record. The learned counsel for the applicant, while seeking a stay, has pressed into service the provisions of Order XLI Rule 5 of the Civil Procedure Code, 1908 (for short 'CPC'), and more particularly sub-Rule 2 thereof. He submits that the Court which passed the decree has ample power to stay the said decree till the period of appeal has expired.

7. We have carefully perused the said provision, as has been rightly pointed out by Mr. J.B. Gandhi, learned counsel for the non-applicant, the said provision would come into play when an application for stay is made,

seeking stay of an 'appealable decree'. He submits that the decree passed by this Court is under the provisions of Section 19 of the Family Court Act, against which no appeal is provided. Thus, having regard to the fact that the Special Leave Petition is filed under Article 136 of the Constitution of India, the said provision would not apply. We are in respectful agreement with the contentions canvassed by the learned counsel for the non-applicant.

8. As far as Section 151 of the CPC is concerned, which is also pressed into service by the learned counsel for the applicant, we are afraid that the said provision also would not come to the aid of the applicant since, admittedly, a Special Leave Petition has been filed before the Hon'ble Apex Court and, therefore, it would be within the exclusive domain of the said Hon'ble Apex Court, which is in seisin of the matter. Thus, the prayer for extension of stay, in our view, is unmerited.

9. As far as the judgment on which reliance is placed by the learned counsel for the applicant in *Kunhayammed and others Vs. State of Kerala and another*, it does not lay down any proposition that extension can be granted in such cases. It only provides that the exercise of jurisdiction conferred on the Hon'ble Supreme Court by Article 136 of the Constitution consists of two steps, one of which is granting special leave to appeal and thereafter hearing the appeal. It also provides that, if a Special Leave

Petition is rejected by non-speaking order or speaking order and dismissal by non-speaking order, the High Court is not divested of its jurisdiction to reconsider the same issue in its review jurisdiction. This, in our case, is not helpful to the case of the applicant. In that view of the matter, the prayer for rejection is misconceived and is liable to be rejected.

10. As far as the prayer for issuing a direction to restrain all print and electronic media, from publishing any news item is concerned, the same, in our view, would amount to passing of a gagging order against such entities who are not before us.

11. As far as the prayer for issuing a direction to the registry of this Court to mask and remove the personal details of the parties is concerned, the learned counsel for the non-applicant/original applicant was gracious enough not to object to the same. We, therefore, partly allow the application as under.

i) The Application is partly allowed in terms of prayer clause (a) only.

ii) The registry is directed to mask, redact and / or remove the personal details of the parties, namely their full names, residential addresses, e-mail ids and Whatsapp / Whatsapp numbers, work place details from the cause title

and body of the judgment dated 27.03.2026 as uploaded on the official website of this Court.

iii) Likewise prayer for restraining the electronic media as per prayer clause (b) is also rejected.

iv) Prayer for extension of stay as per prayer clause (e) is rejected.

(NANDESH S. DESHPANDE, J.)

(SMT. M.S. JAWALKAR, J.)