

Sanjay A. Mehta Vs. Anar Sanjay Mehta

Sanjay A. Mehta Vs. Anar Sanjay Mehta

SooperKanoon Citation : sooperkanoon.com/745765

Court : Gujarat

Decided On : Feb-22-2007

Reported in : (2007)3GLR2461

Judge : K.M. Mehta, J.

Acts : Hindu Marriage Act, 1956 - Sections 13 and 24; Women Violence Act; Limitation Act; [Hindu Adoptions and Maintenance Act, 1956](#) - Sections 3 and 18; Indian Penal Code (IPC) - Sections 114 and 498A; [Code of Civil Procedure \(CPC\), 1908](#) - Order 47, Rule 1; [Constitution of India](#) - Article 226

Appeal No. : Misc.Civil Application - for Review No. 3130 of 2006

Appellant : Sanjay A. Mehta

Respondent : Anar Sanjay Mehta

Advocate for Def. : Dakshesh mehta, Adv.for Opponent 1

Advocate for Pet/Ap. : Mihir Thakore Sr. Counsel,; Percy Kavina,; Unmesh D. Shu

Disposition : Application allowed

Judgement :

ORDER

:

42. In view of the above, the following conclusion is available:

42.1 This Court desires to exercise the review jurisdiction under Order 47 Rule 1 of the C.P.C. On the ground that there is an apparent on the face of the record and there is an obvious mistake. The prayer for delay in filing the application has been granted. Sufficient grounds for exercising the power of review has been set out. Though this Court has passed interim order on 29.12.2006 that the opponent has to stay in her house, the said order will continue in view of the peculiar facts and circumstances of the case. Not only that it will be open for son Nishant to visit the house of the applicant in connection with his study. However, this Court requests the opponent wife to consider the alternative accommodation which has been offered by the applicant. It may be noted that this Court passed the order with a very heavy heart directing the opponent wife to stay away from the matrimonial home. However, in view of the peculiar facts and circumstances of the case and the grounds stated above and discussed, this Court has no other alternative but to direct the wife to stay away from the matrimonial. However, the fact that the opponent wife has very good parents' house as well as the applicant is offering alternative accommodation with a view to see that husband, wife and their son all will have a mental peace. That is the reason the Court has no alternative but to pass the aforesaid order.

43 In the result, the Miscellaneous Civil Application is allowed. The main matter i.e. Special Civil Application No. 22633 of 2005 to be placed for hearing before the appropriate Court.

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com