

Court No. - 1

Case :- FIRST APPEAL No. - 205 of 2023

Appellant :- Amar Bahadur Verma

Respondent :- Raj Kala Verma

Counsel for Appellant :- Ram Ujagir Verma

Hon'ble Attau Rahman Masoodi,J.

Hon'ble Om Prakash Shukla,J.

1. The first appeal filed under Section 19(1) of the Family Courts Act, 1984 is directed against the judgement/order dated 22.08.2023 passed by the Additional Principal Judge, Family Court-IV, Lucknow in Misc. Case No. 369 of 2009 whereby the application for condonation of delay filed along-with the application under Order 9 Rule 13 C.P.C. for recall of an ex parte decree of divorce has been allowed on payment of a sum of Rs. 500/-.
2. It is not in dispute that the decree of divorce was granted ex parte and there was a delay of nearly five months in filing the application under Order 9 Rule 13 C.P.C.
3. On a perusal of the order impugned herein this appeal, we find that the application for condonation of delay has been dealt with by adverting to the explanation offered.
4. The impugned judgment/order disposing of the application for condonation of delay under Section 5 of the Limitation Act does not call for any interference.
6. The family court is expected to proceed expeditiously and conclude the proceedings after affording due opportunity of hearing to the parties.
5. The appeal bereft of any merit fails and is rejected.

Order Date :- 18.11.2023

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