

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
FAMILY COURT APPEAL ST NO.19093 OF 2017**

Sou Shilpa Ganesh Kharade

..Appellant

Vs.

Shri Ganesh Ravindra Kharade

..Respondent

Mr. R. S. Alange for the Appellant

Mr. S. S. Hardikar for the Respondent

**CORAM :R. M. SAVANT, &
SANDEEP K SHINDE,JJ
DATE : 8th FEBRUARY, 2018**

PC.

1 By an order passed today in Civil Application No.167 of 2017 the delay of 150 days in filing the above Family Court Appeal has been condoned. By the consent of the Learned Counsel for the parties the above Family Court Appeal is taken up for hearing forthwith.

2 The above Family Court Appeal challenges the judgment and order dated 2-2-2017 passed by the Learned Principal Judge Family Court No.1, Pune, by which the Marriage Petition being No.PA-1268 of 2015 filed by the Respondent husband came to be allowed and resultantly a decree of divorce came to be granted thereby dissolving the marriage between the Appellant wife and the Respondent husband which was solemnized on 7-2-2011. The principal ground on which the decree has been challenged is that

the said decree is an ex parte decree in as much as the same has been passed in the absence of the Appellant wife. Having regard to the fair stand taken by the Learned Counsel appearing for the Respondent husband, it is not necessary to consider the reasons put forth by the Appellant wife for her absence in the said proceedings.

3 The Learned Counsel Mr. Hardikar appearing for the Respondent husband states that the Respondent husband has no objection if the impugned judgment and order dated 2-2-2017 is set aside and the matter is relegated back to the Trial Court i.e. the Family Court for a denovo consideration of the said Marriage Petition No.A-1268 of 2015 but to be decided within a particular time frame.

4 In view of the said statement made by the Learned Counsel appearing for the Respondent husband. The above Family Court Appeal can be conveniently disposed of by issuing the following directions :

(i) The impugned judgment and order dated 2-2-2017 passed by the Learned Principal Judge, Family Court No-I, Pune is set aside and the Marriage Petition No.A-1268 of 2015 is relegated back to the said Court for a denovo consideration.

(ii) On such remand, the parties to appear before the Family Court on 26-2-2018. The Family Court would thereafter proceed on an expeditious basis but

by giving proper opportunity to the parties. It is expected of the parties that they would co-operate in the early disposal of the said Marriage Petition No.A-1268 of 2015 without seeking unnecessary adjournments.

(iii) The Family Court No.1 to decide the said Marriage Petition No.A-1268 of 2015 latest by 30-6-2018.

5 The Learned Counsel appearing for the Appellant wife states that the Written Statement of the Appellant wife would be filed within two weeks of 26-2-2018 when the parties would be first appearing before the Family Court in terms of the directions issued by the instant order. Statement accepted.

6 With the aforesaid directions, the above Family Court Appeal to stand disposed of.

7 In view of the disposal of the above Family Court Appeal, Civil Application No.168 of 2017 for stay does not survive and to accordingly stand disposed of as such.

[SANDEEP K. SHINDE, J]

[R.M.SAVANT, J]