

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

**SECOND APPEAL NO. 412 OF 2017**  
**WITH**  
**CIVIL APPLICATION NO. 1768 OF 2016**  
**IN**  
**SECOND APPEAL NO. 412 OF 2017**

Shri Rajendra Narayan Saswade ...Appellant

Versus

Sau. Shilpa Rajendra Saswade ...Respondent

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Mr.B.G.Ligade I/b. Mr.Drupad S.Patil for the Appellant.

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CORAM:     **MRS.MRIDULA BHATKAR, J.**  
DATE     :     **FEBRUARY 26, 2018**

**P.C.:**

1. The learned Counsel for the appellant submits that Civil Application No. 1767 of 2016 is filed for condonation of delay.

2. While deciding the said Civil Application, this Court by order dated 21<sup>st</sup> April, 2017 had directed that unless the applicant clears all the arrears, the Civil Application for condonation of delay may not be considered on merits.

3. The learned Counsel for the appellant submits that the appellant/ husband challenges the judgment and decree dated 21<sup>st</sup> November, 2015 passed by the learned Ad-hoc District Judge-5, Kolhapur in Appeal No.267 of 2013 thereby partly confirming the judgment and decree dated 3<sup>rd</sup> May, 2013 passed by the learned 3<sup>rd</sup> Joint Civil Judge, Senior Division, Kolhapur in Marriage Petition No. 468 of 2012. The learned Judge of the trial Court had directed the appellant/husband to pay maintenance of Rs.2000/-p.m. to the respondent/wife. He further submits that the amount of maintenance is not yet deposited by the appellant/husband because the appellant is in financial difficulty. On 28<sup>th</sup> April 2017, the appellant has made a statement that the arrears would be around Rs. 34,000/-.

4. On 28<sup>th</sup> April 2017, this Court had passed a conditional order that if the amount is not deposited by the next date, the Civil Application for condonation of delay will stand dismissed without reference to the Court. The said order was conditional order. Till today, the appellant has not deposited the said amount. Hence, Civil Application for condonation of delay is disposed of, as the conditional order has not complied with.

5. In view of disposal of the Civil Application for condonation of delay, Second Appeal does not survive and the same is accordingly disposed of.

6. Civil Application No. 1768 of 2016 is accordingly disposed of.

**(MRIDULA BHATKAR, J.)**