

HON' BLE SRI JUSTICE SURESH KUMAR KAIT

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HON' BLE SRI JUSTICE T. AMARNATH GOUD

I.A.No. 1 of 2018 in F.C.A.No. 209 of 2018

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F.C.A.No. 209 of 2018

JUDGMENT:- (ORAL)

(Per Hon' ble Sri Justice Suresh Kumar Kait)

This application is filed seeking to condone the delay of 336 days in filing the appeal against the decree and order dated 13.03.2017 in F.C.O.P.No. 264 of 2012 passed by the Judge, Family Court, Secunderabad whereby the petition filed by the appellant under Section 13(1)(ia) of the Hindu Marriage Act, 1955 seeking dissolution of the marriage, has been dismissed.

It is averred in the affidavit filed in support of the application that though the impugned order was passed on 13.03.2017, but the appellant, only on 04.07.2017, came to know that his petition was dismissed, and on 16.08.2017, he obtained certified copy of the impugned order. It is further stated that as the verdict of the trial Court dismissing his petition is astonishing and his father was seriously ill, he could not immediately approach his counsel to file the appeal, therefore, the delay of 336 days caused.

The averments made in the accompanying affidavit are contradictory because on the one hand he averred that he came to the knowledge of the judgment on 04.07.2017 and on

the other hand, his father was unwell, due to which, he could not file the appeal in time resulting in the cause of delay of 336 days.

The settled law is that day to day delay has to be explained. Inasmuch as the inordinate delay of 336 days has not been properly explained, and moreover, the appellant has not filed any medical document indicating illness of his father, we are not inclined to condone the delay.

Hence, I.A.No. 1 of 2018 is dismissed. Consequently, the appeal is rejected. No order as to costs.

As a sequel, Miscellaneous Petitions, if any pending, shall stand disposed of as infructuous.

07.09.2018

SURESH KUMAR KAIT, J

bcj

T. AMARNATH GOUD, J