

HIGH COURT OF CHHATTISGARH, BILASPUR
FA(MAT) No. 11 of 2019

- Smt. Durga Tandey W/o Jitendra Kumar Aged About 35 Years, R/o Village Mahka, Tahsil and Police Station Pamgarh, District Janjgir Champa, Chhattisgarh. **---- Appellant**

Versus

- Jitendra Kumar Tandey S/o Shiv Kumar Tandey Aged About 40 Years R/o Village Birkoni, Tahsil and Police Station Akaltara, District Janjgir Champa, Chhattisgarh. **--- Respondent**

For Appellant : Smt. Uma Tiwari, Advocate

D.B.: Hon'ble Shri Justice Manindra Mohan Shrivastava

Hon'ble Smt. Justice Vimla Singh Kapoor

Order on Board

Per Vimla Singh Kapoor, J.

24/09/2019

Heard on I.A. No. 01/2019 – an application for condonation of delay in filing the appeal.

2. The judgment under challenge in this appeal was passed by the Family Court Janjgir on 26.02.2018 dismissing the petition filed by appellant/wife under Section 13 (1) (i A) (i B) of the Hindu Marriage Act, 1955.

3. Office has pointed out that there is an inordinate delay of 516 days in filing the appeal. The appellant has stated in the application for condonation of delay that the appeal could not be filed within the period of limitation for the reason that she had no knowledge as to what was the period prescribed for that purpose and further that she was not financially strong to approach this Court by way of appeal immediately after the order impugned was passed. Another ground

taken by her for condonation of delay in filing the appeal is that as she was living separately from her husband and was also reeling under the burden of several constraints including the financial one, the counsel could not be engaged by her soon after passing of judgment impugned.

4. Looking to the fact that the appellant fought legal battle seeking a decree of divorce since 12.06.2005, it does not lie in her mouth that for approaching the High Court well within time she could not manage sufficient funds so as to engage the counsel and it took a long expanse of about one and a half years for so doing.

5. Since the reason assigned by the appellant/wife for getting the delay in filing the appeal condoned does not appear to be well enough, this court is not inclined to condone the huge delay of 516 days in filing the appeal. The explanation offered by the appellant does not at all sound satisfactory. Accordingly, the application (IA No. 01) for condonation of delay in filing the appeal is hereby rejected. Consequently, the appeal is also dismissed.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Sd/-
(Vimla Singh Kapoor)
Judge