

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

**920 CIVIL APPLICATION NO.4861 OF 2020  
IN SAST/27655/2018**

SUDHAKAR BHAGCHAND LAGHANE  
VERSUS  
SAVITA SUDHAKAR LAGHANE

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Advocate for Applicants : Ms. Gaikwad Chaya E.  
Advocate for Respondent : Ms. Sangeeta S. Pahune Patil h/f S. N.  
Pahune Patil, N. J Pahune Patil

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**CORAM : SMT.VIBHA KANKANWADI, J.**  
**DATE : 12-10-2021.**

**ORDER :**

1. Present application has been filed for condoning the delay of 129 days in filing second appeal.
2. The applicant is the original petitioner in Hindu Marriage Petition No.128 of 2014 filed before learned Joint Civil Judge, Senior Division, Vaijapur, District Aurangabad. That petition was filed under Section 13 of the Hindu Marriage Act for the dissolution of marriage which came to be dismissed on 15-03-2016. The applicant then approached District Court, Vaijapur by filing Regular Civil Appeal No.27 of 2016. It has been dismissed by District Judge-1, Vaijapur on 30-01-2018. He want to file the second appeal, however, there is delay. Hence, this

application.

3. It has been vehemently submitted on behalf of the applicant/appellant that the appellant approached the Advocate in the second week of April 2018 and was instructed by the Advocate to bring the file of the Lower Court as well as certified copies. Those certified copies were received by him on 08-06-2018. Thereafter, he was busy in the admission of his son and was taking care of his ailing mother. He was also busy with his office work and, therefore, could not approach the Advocate again in time. It was submitted on behalf of the applicant that delay is unintentional and deserves to be condoned.

4. The learned Advocate for the respondent strongly opposed the application and submitted that this is nothing but another attempt on the part of the applicant/appellant to harass the wife. It was submitted that several other litigation have resulted against the husband and though order is passed against him for paying maintenance to the wife, he is not regularly paying it. The reason that has been given is absolutely not sufficient much less reasonable to condone the delay.

5. At the outset, it is to be noted that the delay is stated to be 129 days only. In order to explain the said delay, in fact no documentary evidence has been filed. Though it is stated that the certified copies were received to the petitioner on 08-06-2018, the certified copies which have been annexed to the petition appears to have been received by the petitioner on 14-02-2018 as regards appeal and then it appears that the copy with the Lower Court were received on 06-06-2018. In fact, it was a simple exercise that the First Appellate Court would be having the certified copies of the Trial Court, they could have been taken back by keeping a copy of the same on the record of the First Appellate Court and there was no necessity to obtain certified copies of the Judgment and decree of the Trial Court once again. This appears to be not the advise given by the Advocate to the appellant. Though strictly speaking the delay appears to be not explained properly, yet taking into consideration the liberal approach that is required to be taken by this Court, the delay deserves to be condoned. However, the inconvenience that would be caused to the respondent deserves to be compensated in terms of money.

6. Further, it has been stated that maintenance @ Rs.20,000/-

per month has been awarded to the wife by the Court and it is not paid. Taking into consideration this statement, the cost would be suitably awarded. Hence, the following order.

**ORDER**

- 1) The civil application stands allowed and disposed of.
- 2) The delay caused in filing second appeal stands condoned subject to deposit of cost of Rs.20,000/- (twenty thousand) within a period of 15 days from today.
- 3) After the amount is deposited, Registry to verify and register the second appeal and the amount be given to the respondent.

**(SMT. VIBHA KANKANWADI)**  
**JUDGE**

vjg/-