

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.14854 OF 2021

DATTU EKNATH MAGHADE
VERSUS
VAISHALI DATTU MAGHADE

Mr.Y.B.Pathan, Advocate for the petitioner.

(CORAM : BHARATI H. DANGRE, J.)

DATE : JANUARY 31, 2022

PER COURT :

1. Heard the learned counsel for the petitioner, who is aggrieved by an order passed by the learned District Judge, Kopergaon below Exh.1 in M.A.No.21/2020, under which he has condoned the delay in instituting the appeal.

2. On 12/06/2020, a judgment and order came to be passed in HMP No.11/2019 by the Civil Judge, Sr.Division, Rahata and a decree was granted in favour of the petitioner, dissolving his marriage with the respondent.

3. Being aggrieved by the said decree, the respondent/wife

preferred an appeal alongwith an application for condonation of delay in preferring an appeal against the judgment and order dated 12/06/2020. The delay in filing the application was sought to be condoned on the ground of pandemic.

The application was strongly opposed by the present petitioner, but came to be allowed by the impugned order.

4. On perusal of the impugned order, I do not think that the order is perverse or illegal, since the learned Judge has granted benefit of extension of period of limitation in terms of the order of the Apex Court to the applicant before him and it is a well accepted fact that on account of the pandemic, the Hon'ble Apex Court, suo-motu took cognizance of the inconvenience being caused to the stake holders including the lawyers and the litigants and have extended the period of limitation in instituting appeals, applications and other proceedings. The decree being passed in favour of the petitioner in the month of June-2020, the benefit of the order of the Apex Court, which had otherwise extended the period of limitation in bringing applications. Apart from this, the learned Judge has also recorded that the Court is not expected to be hyper technical to explain each and every day's delay

and perusal of the application, where the delay of more than 100 days is sought to be justified by specifically stating the reasons in para No.11, to the effect that the applicant had lost her parents and therefore she was in tremendous grief and could not contact the lawyer. This explanation afforded, was considered by the learned Judge and accordingly the application has been allowed. Upholding the impugned order, the writ petition is dismissed.

(BHARATI H. DANGRE, J.)