

**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

FAMILY COURT APPEAL NO.44 OF 2021

**PRIYANKA SATISH JADHAV
VERSUS
SATISH SHANKARRAO JADHAV**

....

Mr. G. R. Syed, Advocate for appellant
Mr. S. S. Bora, Advocate for respondent

....

**CORAM : MANGESH S. PATIL AND
Y. G. KHOBRAGADE, JJ.**

DATE : 01.12.2022

PER COURT :-

Heard Mr. Syed, learned advocate for the appellant wife of the respondent, who is challenging the judgment and order passed by the Family Court, Nanded, whereby the ex-parte decree for dissolution of marriage has been passed on the ground of cruelty.

2. This Court, on 15.06.2022, had passed the following order:

“This appeal is filed by the appellant seeking to challenge ex-parte judgment and decree passed by family court thereby granting a decree of divorce on the ground of

cruelty. The learned counsel for the appellant seeks time to examine and to take instructions whether the appellant could approach the learned family court for setting aside the ex-parte decree under the relevant provisions of the Code of Civil Procedure, as may be applicable.”

3. Learned advocate for the appellant, on instructions, submits that the appellant would file application under Order 9 Rule 13 of the Code of Civil Procedure before the Family Court and request for directing the time spent in prosecuting the present appeal to be excluded under Section 14 of the Limitation Act, 1963.

4. In view of above, the Family Court Appeal is allowed to be withdrawn with liberty as prayed for. The time spent in prosecuting the present appeal shall be considered under Section 14 of the Limitation Act. We have not expressed anything on merits.

[Y. G. KHOBRADE, J.]

[MANGESH S. PATIL, J.]

SMS