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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

11 CIVIL APPLICATION NO.1976 OF 2019
IN
SECOND APPEAL (ST.) NO.39389 OF 2018

BHAGWAN BHONIBA DAMALE
VS
SUNITA BHAGWAN DAMALE

...
Mr. Abhijeet P. Avhad, Advocate for the applicant
Mr. S.M. Gunjal, Advocate for the respondent

...
WITH
SECOND APPEAL (ST.) NO.39389 OF 2018

...

CORAM : MANGESH S. PATIL, J.

DATE : 08-02-2022

PER COURT :

. Heard both the sides.

2. This is an application purportedly under Section 5 of the Limitation Act, 1963 seeking condonation of delay of 82 days in filing the Second Appeal challenging the judgment and order passed by the first appellate court whereby the appellate court dismissed applicant's / appellant's appeal conforming the judgment and decree passed by the trial court refusing him a decree for dissolution of marriage.

3. After hearing both the sides, apart from the fact that there are concurrent findings of the courts below, admittedly, there seems to be an order directing him to pay maintenance to the respondent – wife which according to her are of more than Rs.1,60,000/-. The learned advocate for the applicant informs that he has already deposited an amount of Rs.45,000/- towards the arrears, which fact learned advocate for the respondent disputes.

4. Considering the nature of the dispute and all the aforementioned facts and circumstances coupled with the grounds mentioned in the application, the application is allowed and the delay is condoned subject to applicant's depositing an amount of Rs.1,25,000/- in the court where the proceeding under the domestic violence act is going on within four weeks from today. The concerned court shall be at liberty to pass appropriate order regarding payment to the respondent - wife on her furnishing security to its satisfaction and in addition, the applicant paying a cost of Rs.5,000/- in this court within the period of four weeks which the respondent – wife shall be entitled to claim.

(MANGESH S. PATIL)
JUDGE