

**THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER
AND
THE HON'BLE SRI JUSTICE NAGESH BHEEMAPAKA**

**I.A.No.2 OF 2020
IN / AND
FAMILY COURT APPEAL No.89 OF 2020**

COMMON JUDGMENT: (Per Hon'ble Dr.SA,J)

I.A.No.2 of 2020 is filed by the petitioner/husband seeking to condone the delay of 1740 days caused in filing the appeal.

2. F.C.A.No.89 of 2020, under Section 19 of the Family Courts Act, is filed by the appellant/husband aggrieved by the order and decree, dated 18.01.2016, passed in O.P.No.829 of 2010 by the learned Judge, Family Court, Ranga Reddy District at L.B.Nagar, whereby, the subject O.P. filed by the appellant/husband, under Section 13 (1)(ia) of the Hindu Marriage Act, seeking dissolution of the marriage solemnized between him and the respondent/wife on 30.08.2007, was dismissed.

3. Heard the learned counsel for the petitioner/husband and perused the record.

4. Several times notice was sent to the respondent/wife to the given address, but the same were returned. Therefore, as per the order, dated 05.07.2022, passed by this Court in I.A.No.1 of 2022, publication was made in Andhra Jyothi daily newspaper, Hyderabad edition, for

appearance of the respondent/wife. In spite of the same, the respondent/wife did not turn up.

5. Learned counsel for the petitioner/husband would submit that the petitioner/husband has waited for three years with a hope that the respondent/wife would join the matrimonial home. But, she did not join the matrimonial home. After waiting for a long time, since the respondent/wife did not turn up and join the matrimonial home, the petitioner/husband was constrained to file the present appeal with a delay of 1740 days. The delay caused in filing the appeal is neither willful nor wanton.

6. Before proceeding further, it is apt to have an overlook on the law of limitation. The law of limitation is founded on public policy. The legislature does not prescribe limitation with the object of destroying the rights of the parties, but to ensure that the parties do not resort to dilatory tactics and seek remedy without delay. Although, no hard and fast rule can be laid down in dealing with the applications for condonation of delay, the Hon'ble Apex Court has justifiably advocated adoption of a liberal approach in condoning the delay of short duration and a stricter approach where the delay is inordinate/abnormal. Even if the term "sufficient cause" has to receive liberal construction, it must squarely fall within the concept of 'reasonable time' and 'proper

conduct' of the party concerned. The purpose of introducing liberal construction normally is to introduce the concept of "reasonableness" as it is understood in its general connotation. Once a valuable right has accrued in favour of one party as a result of the failure of the other party to explain the delay by showing sufficient cause, it will be unreasonable to take away that right on the mere asking of the applicant, particularly when the delay is directly a result of negligence, default or inaction of that party. Justice must be done to both the parties equally.

7. Bearing the above principles in mind, if we look into the facts of the case on hand, there is abnormal delay of 1740 days in filing the appeal. The reason assigned for the delay is that the petitioner/husband waited for three years with a hope that the respondent/wife would join the matrimonial life. It cannot be construed as sufficient cause to condone the abnormal delay of 1740 days caused in filing the appeal. The explanation offered by the petitioner/husband is unacceptable. The petitioner/husband failed to show sufficient cause to condone the abnormal delay of 1740 days caused in filing the appeal. It appears that the contentions putforth on behalf of the petitioner/husband are advanced only to seek condonation of abnormal

delay of 1740 days. Therefore, I.A.No.2 of 2020 does not merit consideration to allow the same, as prayed for.

8. Accordingly, I.A.No.2 of 2020 is dismissed. Consequently, F.C.A.No.89 of 2020 stands rejected.

Miscellaneous Petitions, if any, pending in this appeal shall stand closed. There shall be no order as to costs.

Dr. SHAMEEM AKTHER, J

NAGESH BHEEMAPAKA, J

Date: 18.10.2022
MD/BVV