

SGPunde

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

CIVIL APPLICATION NO. 1188 OF 2022  
IN  
APPEAL FROM ORDER [ST] NO. 4827 OF 2020

|                                    |                |
|------------------------------------|----------------|
| Vaynkatesh Devidas Kshirsagar      | ... Applicant  |
| <i>Versus</i>                      |                |
| Mrs. Sangeeta Venkatesh Kshirsagar | ... Respondent |

...  
Mr. Gaurav L. Deshpande – Advocate for applicant  
....

CORAM : GAURI GODSE, J.  
DATE : 14<sup>th</sup> FEBRUARY, 2023

**PER COURT :**

1. This application is for condonation of delay of 337 days in filing the appeal from order.
2. The appeal challenges an order of remand passed by the learned Adhoc District Judge – 2, Latur, on 05<sup>th</sup> December, 2018 in Regular Civil Appeal No. 14 of 2017. By the said order, the H.M.P. No. 233 of 2016 filed by the present appellant under section 9 of the Hindu Marriage Act, 1955, is remanded back to the trial court. The said appeal was allowed by recording ‘no objection’ of the present applicant for remand.

3. This civil application is filed for condonation of delay by giving reason that there was some communication problem with his advocate. The entire application nowhere states that he never gave no objection as is recorded in paragraph no. 6 of the order which is impugned in the appeal from order. Thus, it is clear that the applicant had consented for the order of remand. It is not disputed that the applicant had consented for the order of remand. There is no explanation given as to why after giving no objection, the applicant wants to challenge the said order.
4. As the order impugned in the appeal from order was passed by recording no objection of the applicant, I do not see any reason to interfere with the same. There is no condonable ground made out in the application. There is no satisfactory explanation given for the delay. There is no merit in the civil application and hence, it is dismissed.

**[ GAURI GODSE ]**  
**JUDGE**