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

4 CIVIL APPLICATION NO.9014 OF 2023
IN FCAST/21135/2023 WITH CA/9015/2023 IN
FCAST/21135/2023

MRS. JAYSHREE SWAPNIL CHAVAN
VERSUS
MR. SWAPNIL DEVIDAS CHAVAN

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Mr A. D. Mane, Advocate h/f Mr Amol S. Sawant, Advocate for
Applicant;
Mr Vijay B. Patil, Advocate for Respondent

**CORAM : RAVINDRA V. GHUGE
AND
Y. G. KHOBRAGADE, JJ.**

DATE : 31st July, 2023

PER COURT:

1. Delay of 43 days is caused in filing the Family Court Appeal. The applicant/appellant is a wife, who has suffered the impugned judgment dated 20/04/2023, delivered by the learned Family Court, Dhule, in case No.A-71/2020, vide which the Respondent/husband is granted a decree of divorce by the Family Court.

2. Issue notice to the Respondent. The learned Advocate appears on caveat and opposes the application for condonation of delay, contending that justifiable reasons are not cited.

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3. The delay is of only 43 days. Neither is it deliberate, nor inordinate. For the reasons set out, **the application is allowed**. The delay is condoned and the Family Court Appeal is directed to be registered.

4. By **Civil Application No.9015/2023**, the applicant/wife submits that the possibility of a second marriage by the Respondent, cannot be ruled out. The learned Advocate for the Applicant submits on instructions from the Applicant that, the Applicant has not entered into a second marriage.

5. The learned Advocate for the Respondent/husband, submits on instructions that, the respondent has not yet performed a second marriage.

6. In view of the above, **this civil application is disposed off**, with a direction that, none of the parties shall enter into a second marriage with any other person, until further orders in the Family Court Appeal (St.) No.21135/2023.

7. Both the learned Advocates prays that, the appeal may not be admitted, since it would take many years for an admitted appeal to be decided. Instead, they pray that the matter may be

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referred to a Mediator at the High Court level to explore the possibility of a final resolution to the issue. Both of them, therefore, suggest the name of Shri. N. B. Khandare, the learned Advocate as a Mediator.

8. In view of the above, by consent of the parties, we are appointing Shri. N. B. Khandare, the learned Advocate as a Mediator. Office to process the case papers, so as to be delivered to Shri. Khandare. The learned Advocates are at liberty to contact the learned Mediator for an early commencement of mediation proceeding.

9. Liberty to the parties to circulate the appeal after the learned Mediator tenders the report.

(Y. G. KHOBRADE, J.)

(RAVINDRA V. GHUGE, J.)

sjk