

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO.18744 OF 2022
IN
FAMILY COURT APPEAL STAMP NO.19191 OF 2022**

Sou. Rupali Ravindra Narle	..Applicant
Versus	
Ravindra Narayan Narle	..Respondent

Mr. Manoj Patil i/by Ashish Pawar, for the Applicant.
Ms. Rekha Musale, for the Respondent.

**CORAM : NITIN W. SAMBRE &
SHARMILA U. DESHMUKH, JJ.**

DATE : 9th JUNE, 2023

PC.

1. The challenge in the main appeal is to the decree for divorce passed under Section 13(1)(ia) of the Hindu Marriage Act. Unfortunately, after the decree was passed decree-holder/husband has expired. The prayer for condonation of delay in preferring appeal is based on the cause viz. pendency of other ancillary proceedings.

2. Apart from above, the decree was passed on 30th November, 2021. As it cannot be said that the delay is intentional or deliberate on the part of the appellant to lodge appeal at belated stage, contentions raised by the counsel for the legal heirs of the decree-holder that the appeal is hopelessly time barred and there

are no reasons for condoning delay, cannot be accepted. However, we deem it appropriate to condone the delay by saddling cost of Rs.3000/- to be paid to the counsel for the respondent within period of four weeks from today.

3. The application as such stands disposed of.

[SHARMILA U. DESHMUKH, J.]

[NITIN W. SAMBRE, J.]