

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CIVIL APPLICATION (CAF) NO. 2171/2022 IN
FIRST APPEAL STAMP NO. 14916/2022

Rahul S/o Rajan Shinde

Vs

Chhaya Rahul Shinde (Dead) Thr. Lrs. Pundlik Sakharam Dhoke And Others

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr R.M. Pande, counsel for the applicant/appellant.

Mr V.A. Kothale, counsel for the non-applicant No.1 (Caveator)

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 31/03/2023.

1. Heard.
2. Present application is for condonation delay of 96 days which is caused in preferring the appeal against the judgment and decree passed by the District Judge-1, Achalpur in Special Marriage Petition No. 04/2019.
3. Applicant is the biological father of the minor child. The application before the trial Court was preferred for the grant of custody which was rejected. Being aggrieved with the same, the present appeal is preferred.
4. As per the contention of the appellant, he has contacted his present lawyer and on the basis of information given by his lawyer, he has obtained the certified copies. In the meantime, he preferred a petition i.e. writ of Habeas Corpus in this Court, wherein he

could not get any relief and thereafter he preferred this appeal. Therefore, a delay of 96 days is caused.

5. Considering the reasons mentioned in the application which is just and reasonable one, delay of 96 days in preferring the appeal is condoned.

Civil Application is disposed of.

First Appeal St. No. 14916/2022

First Appeal be registered.

2. Call for record and proceedings.
3. Mr V.A. Kothale, learned counsel waives service of notice on behalf of respondent Nos. 1,2, 3 and 5.
4. Issue notice to the respondent No.4.
5. Appeal be placed before the Court after service of respondent No.4 and receipt of record and proceedings.

Civil Application (CAF) No. 2289/2022

Present application is filed by the applicant/appellant to seek interim custody of the minor child during Diwali Vacation.

Now, the application become infructuous. Hence, civil application is disposed of.

Place the matter before the Court on 21/04/2023 at the end of the admission board.