



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
CIVIL APPLICATION NO.3959 OF 2023
IN
FAMILY COURT APPEAL (STAMP) NO.5677 OF 2023
WITH
FAMILY COURT APPEAL (STAMP) NO.5677 OF 2023**

**RAKHI PRAVIN WANDRE
VS
PRAVIN VITTHAL WANDRE**

...

Mr. Vinod P. Patil, Advocate for the Applicant.

Mr. Shaikh Mohammad Naseer A., Advocate for Respondent.

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**CORAM : SMT. VIBHA KANKANWADI AND
S. G. CHAPALGAONKAR, JJ.**

DATED : 09th JANUARY, 2024.

P.C.

1. The present application has been filed for condonation of delay of 260 days caused in filing the Appeal to challenge the judgment and decree passed by the Principal Judge, Family Court, Jalgaon in Petition No.A-399 of 2019. The applicant is the original respondent-wife. She submits that she had received the summons on 21st January 2020 and thereafter, there was pandemic and the matter proceeded ex-parte and judgment and decree has been passed of the divorce. She also submits that there are two children aged about 12 and 9 years out of wedlock.

2. The application has been objected on the ground that date of knowledge of the judgment has not been given. There was sufficient time available to the wife to file the Appeal. The delay has not been properly explained and, therefore, the application deserves to be rejected.

3. The first and foremost fact is that the relationship between the applicant and respondent is not continued i.e. wife and husband. It is also not in dispute that they have two children. The decree appears to have been passed ex-parte. Though the exact date of knowledge of the judgment and decree has not been given by the wife, taking into consideration her occupation, coming from the rural area, we accept the reasons given in the application and therefore, opportunity will have to be given to the wife. Hence, the application stands allowed and disposed of.

4. Registry to verify and register the Appeal.

5. Since the Appeal is Family Court Appeal to challenge ex-parte judgment and decree and arguable points are made, the Appeal stands Admitted.

6. Issue notice to the respondent after admission. Learned Advocate Mr. Shaikh waives notice for the respondent.

7. Call for Record and Proceedings with paper book. To be listed after paper book is received. Alternatively, petitioner is at liberty to produce the paper book and in that case the printing of the paper book may be dispensed with.

(S. G. CHAPALGAONKAR)
JUDGE

(SMT. VIBHA KANKANWADI)
JUDGE