



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

**4 CIVIL APPLICATION NO. 10656 OF 2019
IN SAST/15692/2019**

TUKARAM BABURAO GHALME
VERSUS
SINDHU TUKARAM GHALME

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Mr. Palve Babanrao N., Advocate for Applicant

Mr. Nandedkar Devanand Y., Advocate for Respondent

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CORAM : SANDIPKUMAR C. MORE, J.

DATED : 24/06/2024.

P. C. :

1. Heard rival submissions.
2. The applicant / husband is seeking condonation of delay of only 104 days in filing second appeal. According to him, the said delay is not intentional and due to his illness it has taken place.
3. The learned counsel for the respondent strongly opposed for the same and relied upon copies of certain Roznamas and claimed that the applicant has given false reason in the application for the delay that he was under treatment from 21/11/2018.
4. The Roznama in MA No.1029 of 2016 which was between the present parties, indicates that the applicant was present before the concerned court on 30/11/2018, 29/12/2018 and 21/01/2019. Thus, it is apparent that applicant has not brought forward

sufficient cause for causing such delay. However, even if it is so, there are divergent views by both the learned courts below. In view of the same, one chance has to be given to the applicant to contest the second appeal on merit. However, considering the conduct of applicant for submitting false reason, certain cost needs to be imposed. In view of the same, application stands allowed in terms of prayer clause-B subject to cost of Rs.5,000/- to be paid to the Registry of this court for utilization of Dispensary, High Court, Aurangabad.

5. Application is disposed of accordingly.

(SANDIPKUMAR C. MORE, J.)