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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 14231 OF 2024
IN
SECOND APPEAL (ST) NO. 23912 OF 2023**

Shri Milind Sitaram Thakre ... Applicant

Vs.

Sau Balika Milind Thakre ... Respondent

Mr. Bhushan U. Deshmukh for the Applicant.

CORAM : GAURI GODSE, J.

DATE : 24th OCTOBER 2024

ORDER :

1. Heard learned counsel for the applicant. This application is for condonation of delay of 36 days in filing the Second Appeal. Learned counsel for the applicant submits that the reasons for the delay and the steps taken to file the appeal are explained in paragraphs 4 and 5 of the application.

2. Learned counsel for the applicant submits that both the courts have not correctly appreciated the grounds raised for divorce and the reasons stated for seeking divorce on the ground of cruelty. He submits that the evidence regarding false criminal complaints filed

against the applicant and his family is a crucial evidence to prove the cruelty, as the applicant and his family members were acquitted from the criminal prosecution. He further submits that the respondent had dispossessed the applicant's mother from her own house for which she was required to file a suit for possession. He thus submits that the Second Appeal raises substantial questions of law on incorrect appreciation of the evidence on record in support of the ground of cruelty pleaded by the appellant for seeking dissolution of the marriage.

3. Issue notice to respondents returnable on 14th February 2025.
4. In addition to court notice, learned counsel for the applicant to serve the respondent by private service and file service affidavit before the next date.

[GAURI GODSE, J.]