



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

Civil Application (O) No.1142/2023 in FCA St. No.7079/2023
(Arvind V Sou Rajni)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. Syed Sufian, Adv. for applicant.
Mr. V.R. Baseshankar, Adv fr non-applicant.

CORAM : Smt. Vibha Kankanwadi & Mrs. Vrushali V. Joshi, JJ
DATE : 23-07-2024.

The present application has been filed for condonation of delay of 123 days in filing the Family Court Appeal. The present appellant is the original petitioner before the Family Court, Nagpur, who had filed the petition for divorce under section 13(1)(1-A) (1-B) of the Hindu Marriage Act. The said petition has been dismissed.

ii. Learned Advocate for the non-applicant opposes the application.

iii. Learned Advocate for the applicant relies on the decision of the Division Bench at the Principal Seat in **Sonia Kunwar Singh Bedi V Kunwar Singh Bedi**, reported in **2015(1) Mh.L.J. 954**, wherein it has been held that the period of limitation for an order/decree appealable under section 28 of the Hindu Marriage Act is 90 days as stipulated under the amended section 28(4) of the Act and

not 30 days as under Section 19(3) of the Act of 1984 and therefore according to the applicant, it is only 60 days delay that has occurred.

iv. We need not go into those details for the simple reason that whether it is 60 days or 123 days there is a delay and for which there has to be an application under Section 5 of the Limitation Act. However, taking into consideration the facts stated, we condone the delay even without issuing notice to the respondents. Hence, the delay stands condoned. Application stands allowed and disposed of.

v. The registry is directed to verify and register the appeal.

vi. The appellant is then allowed to file copies of deposition and take the circulation of the appeal after its registration.

(Mrs. Vrushali V. Joshi, J.)

(Smt. Vibha Kankanwadi, J.)