



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

CIVIL APPLICATION (CAS) NO. 684 OF 2024 IN
SECOND APPEAL STAMP NO. 14977 OF 2024

Sachin Ananda Thorat Vs Archana @ Sangita Sachin Thorat

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

Court's or Judge's Order

Mr. S.S. Deshpande, counsel for appellant.

Mr. A.S. Manohar, counsel for respondent.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 28/11/2024.

1. Learned counsel for the appellant seeks leave to mention the period of delay in the application.
2. Permission is granted as prayed for.
3. By this application, the appellant is seeking condonation of delay, which is caused in preferring the appeal against the judgment and decree passed by the learned Civil Judge, Senior Division, Buldana.
4. Learned counsel for the appellant submitted that it is a matrimonial dispute, and the present appellant has preferred the petition for seeking dissolution of marriage, which is rejected.
5. Being aggrieved with the same, present appeal is preferred. The appellant is serving in the Army, and he could not obtain the leave to approach the counsel and to prefer an appeal. Therefore, the delay of 448 days is caused in preferring the appeal. The delay is not an

intentional one, and there is sufficient and reasonable cause for condonation of delay. In view of that, delay be condoned.

6. Learned counsel for the respondent strongly opposed the said application and submitted that the entire application nowhere shows the reasonable cause for condoning the delay. As there is no reasonable and sufficient reason for condonation of delay. Hence, the application deserves to be rejected.

7. After hearing both sides and on perusal of the reasons mentioned in the application, it reveals that the appellant is serving in Army and he has mentioned that the petition filed by him was decided on 11/09/2018. At the relevant time, he was at his posting and could not obtain the leave to approach the counsel, and therefore, a delay is caused. Thus, considering the reasons mentioned in the application, it is apparent that there are reasonable and justifiable reasons for condonation of delay. It is well settled that while considering the delay application, the liberal approach is to be taken and not the pedantic approach. In view of that, the application deserves to be allowed, subject to the costs of Rs.3,000/-. Hence, I proceed to pass the following order.

- a] The civil application is allowed.
- b] The delay of 448 days is condoned subject to the costs of Rs. 3,000/-.

- c] The appellant shall deposit the costs within two weeks.
- d] The costs be paid to the respondent. The appellant shall pay the amount of costs by way of demand draft or cheque.

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1. After depositing the amount, appeal be registered.
2. Learned counsel for the appellant as well as respondent both have submitted that dispute between the parties is a matrimonial dispute, and it can be settled amicably.
3. The matter be referred for Mediation.
4. Both parties have suggested the name of learned counsel **Mr. S.V. Purohit** as Mediator.
5. Both parties shall appear before the Mediator on 04/12/2024 at 2.00 p.m..
6. The appeal be listed before this Court 07/01/2025.

[URMILA JOSHI-PHALKE, J.]