



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

FAMILY COURTS APPEAL NO. 36/2024.

Dr.Monali Sushim Gajbhiye and another.

-VERSUS-

Dr.Sushim Suresh Gajbhiye

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Shri V.N. Morande, Advocate for the Appellant.

CORAM : VINAY JOSHI AND
VRUSHALI V. JOSHI, JJ.

DATE : AUGUST 27, 2024.

Heard.

2. The respondent/husband has applied for custody of the minor, which was decided exparte in his favour. The appellant/wife filed an application for setting aside the exparte order along with an application for condonation of delay, however, the same has been rejected. In the above circumstances, this appeal challenging the order of rejection of condonation of delay.

3. Issue notice to the respondent,

returnable on 18.09.2024.

....

Civil Application (CAF) No.1037/2024.

Heard.

2. The learned Counsel for the applicants would submit that though exparte order has been passed, till date it is not executed. The child aged 4 years is still in the custody of the appellant/applicant – mother, and therefore, he seeks stay of execution of the order passed by the Family Court regarding custody.

3. Having regard to the tender age of the child, the orders passed by the Family Court dated 02.11.2023 in Petition No.D-6/2023, stands stayed till further orders. Civil Application is disposed of accordingly.

JUDGE

JUDGE