

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

24 CIVIL APPLICATION NO. 733 OF 2025
IN AOST/3599/2024

NANDLAL KISHANRAO LOKDE

VERSUS

PRANITA NIVRUTTI KAMBLE AND ANOTHER

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Advocate for Applicant : Mr. Thombre Chandrakant V.
Advocate for Respondent Nos.1 & 2 : Mr. Deshpande S. A.

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CORAM : SHAILESH P. BRAHME, J.
DATE : 29.09.2025

PER COURT :-

1. Applicant seeks condonation of delay of 1144 days in preferring appeal from order against judgment and order dated 15.09.2020 passed in Miscellaneous Civil Application No.16 of 2017.

2. The controversy pertains to custody of minor daughter i.e. respondent No.2. The marriage between appellant and respondent No.1 was dissolved by decree of civil Court. Respondent No.2 was with respondent No.1 mother. Her custody was sought by the applicant which is denied by order dated 15.09.2020 albeit only visitation rights were given. Being aggrieved by order of visitation right, respondent No.1 preferred A.O. No.25 of 2020. It is dismissed on merit on 12.01.2024.

3. The dismissal of A.O. No.25 of 2020 and thereafter quashment of FIR No.148 of 2018 in Criminal Application No.999 of 2019 are pressed into service as grounds for condonation of delay. It is contended that due to such litigation, applicant is unable to approach the Court in time.

4. The application is filed causally. There is huge delay of 1144 days in preferring appeal from order. This Court is not convinced by the scanty reasons assigned in the application. Present application with appeal from order was filed on 29.01.2024. There can be no nexus of filing of A.O. No.25 of 2020 and its decision for challenging impugned judgment and order dated 15.09.2020. It is further incomprehensible as to what is the nexus of quashing of FIR vide order dated 27.02.2020 passed by Division Bench. The applicant could have approached this Court after 27.02.2020. No reasons are assigned for the deep slumber on the part of the applicant. This Court has no option than to reject the application.

5. Civil Application is rejected.

(SHAILESH P. BRAHME, J.)

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