



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

981 CIVIL APPLICATION NO. 2241 OF 2025
IN FAST/4557/2025

DIVYA ROHIT RAGHUWANSHI
VERSUS
ROHIT ISHWAR RAGHUWANSHI

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Mr. A. I. Deshmukh, Advocate for Applicant
Mr. P. B. Patil, Advocate for Respondent

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CORAM : AJIT B. KADETHANKAR, J.

DATE : 19th SEPTEMBER 2025

PER COURT :-

1. It is submitted that the proceedings under Section 22 of the Special Marriage Act, 1954, seeking restitution of conjugal rights, were instituted by the present respondent in the Court of learned District Judge-1, Jalgaon, vide Special Marriage Petition No.11 of 2023. The learned Trial Court, vide its judgment and decree dated 18.09.2024, decreed the petition. The present applicant is the wife against whom the decree of restitution of conjugal rights has been passed.

2. The applicant submits that there is delay of 49 days in filing the appeal. Mr. Deshmukh, learned counsel for the applicant submits that the applicant was unaware of the passing of the impugned

judgment and decree and hence could not approach to the legal adviser/advocate in time for filing the present appeal. He submits that the delay is neither deliberate nor due to lethargy or negligence, and there is no intention to protract the proceedings. He, therefore, prays for condonation of delay.

3. Mr. Patil, learned counsel for the respondent opposes the application.

4. Upon hearing the parties, I am of the considered view that this is a matrimonial litigation, involving issues of cohabitation or refusal to cohabit with the spouse. Given the nature of the litigation and the reasons stated in the application, the delay of 49 days in filing the appeal deserves to be condoned.

5. Accordingly, delay of 49 days, caused in filing the appeal stands condoned.

6. Civil Application is allowed.

7. First Appeal be registered.

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1. After registration of the First Appeal, issue notice to the respondent. Mr. Patil, learned counsel waives service of notice for the respondent.

2. Call Record and Proceeding.
3. At this juncture, both the learned counsels for the respective parties express their willingness for mediation.
4. In view of the above, the parties are referred to the mediation.
5. Mr. R. M. Deshmukh, learned counsel is hereby appointed as mediator for the proposed mediation.
6. Both the parties shall appear before the mediator on the date decided by the Mediator and the Mediator is requested to submit a report of mediation before 17th October 2025.
7. Both parties shall cooperate with the Mediator to arrive at a logical and amicable resolution of the dispute.

[AJIT B. KADETHANKAR, J.]