



..1..

910-wp-10985-25

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

910 WRIT PETITION NO. 10985 OF 2025

JITENDRA BAPU BHOI

VERSUS

KAJAL JITENDRA BHOI

...

Advocate for the Petitioner : Mr. Parth S. Salunke

...

CORAM : ARUN R. PEDNEKER, J.

DATE : 10.09.2025

PER COURT :

1. Heard.

2. By this petition, the petitioner challenging the impugned order dated 20.02.2024, passed by the learned District Judge, Amalner in Misc. Civil Application No. 4/2020, by which, the application filed by the respondent herein under Section 5 of Limitation Act for condonation of delay in preferring the appeal against judgment and decree passed by the learned Civil Judge Senior Division, Amalner in H.M.P. No. 167/2018, dated 10.01.2019 has been allowed and the delay of 270 days is condoned. Aggrieved thereby, the present Writ Petition is filed.

3. The learned counsel for the petitioner submits that the respondent had failed to give any sufficient explanation for filing the appeal after 270 days. He also submits that the respondent had refused to accept notice in H.M.P. No.167/2018, on 10.01.2019 and had

deliberately avoided the notice. It is stated that the petitioner has married after the decree attained finality. As such, he submits that the delay ought not to have been condoned.

4. Perused the impugned order. From the impugned order, it appears that the applicant had not received notice in H.M.P No.167/2018 and for the said reason, H.M.P No. 167/2018 was decided exparte. She came to know about the exparte order in the proceedings initiated by her under Section 125 of the Code of Criminal Procedure, at Surat. Thereafter, she obtained certified copy of order dated 10.01.2019 in H.M.P No.167/2018. Considering these facts, the delay has been condoned. I see no error in the order passed.

5. The appellant would have all the grounds available to him to defend the divorce decree including his subsequent marriage in appeal.

6. Petition is accordingly dismissed.

(ARUN R. PEDNEKER)
JUDGE

shp/-