



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

**CIVIL APPLICATION (CAO) NO.108 OF 2022**  
**IN**  
**FAMILY COURT APPEAL (FCA) (ST.) NO. 15675 OF 2021**

Sarang Subhash Yemde

.Vs.

Mrs Swati Sarang Yemde

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Office Notes, Office Memoranda of Coram,  
appearances, Court's orders of directions Court's or Judge's orders.  
and Registrar's Orders.

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Mr Dipanshu Verma, Adv. h/f. Mr V. S. Mishra, Advocate for the applicant  
Mr Nishant J. Patil, Advocate for respondent

**CORAM : ANIL S. KILOR AND PRAVIN S. PATIL, JJ.**  
**DATED : APRIL 04, 2025.**

Heard.

2. This is an application for condonation of delay in filing the appeal, against the exparte judgment and decree passed in Petition No. A/69/2017 dated 28.09.2018.

3. While justifying the huge delay of more than 500 days, the only explanation offered by the applicant is that he was not served with notice and therefore, he had no knowledge of passing of exparte judgment and decree dated 28.09.2018, granting interim maintenance of Rs.7,000/- per month.

4. On the other hand, learned counsel for the respondent pointed out the bailiff report. He further submits

that having gone through the contents of the said bailiff report it is evident that the bailiff had served the notice on the father of the applicant on 01.06.2017. He, therefore, submits that the explanation given by the applicant is false and contrary to the record. Accordingly, he prays for rejection of the application.

5. In the light of the rival submissions we have perused the record. The bailiff report is sufficient to show that the father of the applicant received the notice on 01.06.2017. The bailiff in his report noted that the applicant was absent. It is further stated the applicant reside in a joint family and his father agreed to receive the notice and accordingly, service is made on the father of the applicant. The father on the top of this bailiff report acknowledged the receipt of the notice. The father of the applicant then signed and write his name below the signature and also mentioned his relation with applicant as father.

6. The reply to the application for condonation of delay was served upon the applicant on 22.04.2022 i.e. three years back. After receipt of this reply, the applicant did not file any counter affidavit disputing the signature of the father or disputing the correctness of the bailiff report.

7. In absence of any counter affidavit filed by the applicant raising a dispute as regards the bailiff report, we find that the ground raised for condonation of delay is contrary to the record.

8. In that view of the matter, we are of the opinion that since no satisfactory explanation has been offered in the application for condonation of delay, the application needs to be rejected.

9. Accordingly, the civil application is **rejected**.

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10. In view of rejection of the condonation delay application, the Family Court Appeal does not survive.

[PRAVIN S. PATIL, J]

[ANIL S. KILOR, J.]