



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CIVIL APPLICATION (CAA) NO. 51 OF 2025

IN

A.O. (ST) NO. 23435 OF 2025

Kanchan Vishwasrao Ghongale

Vs.

Devendra Pandurang Ingole

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

Court's or Judge's Orders.

Mr. Vijay Hamand, Advocate h/f Mr. Digvijay P. Mankar,
Advocate for applicant.

Mr. M.N. Ali, Advocate for respondent.

CORAM : ROHIT W. JOSHI, J.

DATE : 11.12.2025

This is an application seeking
condonation of delay of around 378 days in filing
appeal against order.

2. The dispute pertains to the custody of a
minor child. The applicant is the mother. She has
stated that in the application, she was not aware
about the proceedings that were ongoing against her
and knowledge of the proceedings was gathered only
upon receiving notice in the execution proceedings.

3. It is stated that after gathering knowledge about the judgment impugned in the present appeal, she collected the relevant documents and thereafter, approached an Advocate for filing of the appeal. Therefore, the delay has been caused in filing the appeal.

4. The respondent has filed reply opposing the application. It is stated in the reply that the applicant was duly served with the notice in the proceedings before the learned trial Court.

5. The learned counsel for the applicant has drawn my attention to the judgment passed by the learned trial Court to demonstrate that the learned trial Court has recorded that the notice was duly served. It is also stated that the custody of the minor child is with the applicant/mother and that visitation rights were granted to the respondent/father by an interim order passed by the learned trial Court and as such, the statement of the applicant that she was not aware of the pending proceedings, is completely incorrect.

6. Although there is a substance in the objection raised by the respondent, since the matter pertains to the custody of the child and having

regard to the legal position that right to appeal is a substantive legal right, in the considered opinion of this Court, the application for condonation of delay should be allowed.

7. It is also necessary to keep in mind that the minor child should not suffer for laxity on the part of mother/applicant.

8. The application is allowed subject to costs of Rs.10,000/-.

(ROHIT W. JOSHI, J.)