



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

951 CIVIL APPLICATION NO. 9884 OF 2025
IN
WRIT PETITION NO.1174 OF 2025

Bhavna Prashant Munde
VERSUS
Prashant Vishnupant Munde And Others

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Advocate for Applicant : Mr. K.J. Suryawanshi h/f L.H.Kawale
Advocate for Respondent no.1 : Mr. Aditya Rakh h/f Mr. G.K.
Naik-Thigle
Advocate for Respondent no.2 : Mrs. Rashmi Kulkarni
Respondent no.3- served.
Advocate for Respondent no.4 :Mr. A.T. Jadhavar

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CORAM : S. G. CHAPALGAONKAR, J.

Dated : March 24, 2026

ORDER :-

1. Present civil application is filed seeking recall of the order dated 11.7.2025 passed by this Court granting extension to decide the proceeding pending before the Family Court, Aurangabad in Petition No.D-23 of 2024.

2. Mr. K.J. Suryawanshi h/f Mr. Kawale, learned advocate appearing for the applicant submits that by order dated 23.1.2025 this Court expedited hearing of Petition No.D-23 of 2024 and directed the Family Court to decide the same within a period of six months. However, aforesaid directions were not

complied. Ironically communication was made by learned Judge of the Family Court seeking extension of two years time to decide pending proceeding.

3. Eventually this Court granted further extension as prayed vide order dated 11.7.2025. It is submitted that proceeding before Family Court pertains to custody of two minor daughters of applicant and one of them would shortly attain majority. As such, petition before the Family Court would render infructuous to the extent of one of daughters of the applicant.

4. On 11.2.2026 after considering aforesaid submissions, an independent report from the Principal Judge, Family Court, Aurangabad was called as to how much period would be required for disposal of petition No.D-23 of 2024. The report received from Principal Judge states that two years would be required for fair decision as the parties are not cooperating.

5. Having considered submissions advanced and on consideration of report of Principal Judge, Family Court, this Court finds that recording of evidence of applicant is already started. It is informed that, thrice cross-examination of

applicant has been deferred and still it is not completed. This Court finds that it was unfair on the part of learned Judge of Family Court to seek extension of two years, when by order dated 23.1.2025 directions were given to decide the proceedings within a period of six months. Unfortunately, Principal Judge of the Family Court has not given independent opinion as to how much period would be required for expeditious disposal of the petition and again reiterated opinion of learned Judge, who is in-charge of the matter. It was expected that Principal Judge would examine the issue in Petition No.D-23 of 2024 and then advice the learned Judge for expeditious disposal.

6. Be that as it may, this Court had granted extension of two years merely relying upon the recommendation of Principal Judge, Family Court. The conspectus of matter was not brought to the notice of this Court by the parties when communication for extension of time was put up before this Court. Hence, the order dated 11.7.2025 is recalled. The learned Judge, Family Court, Aurangabad shall decide the Petition No.D-23 of 2024 within a period of Six (6) Months from Today. In case, learned Judge, who is in-charge of the

petition has difficulty in dealing with the matter, the Principal Judge, Family Court, may pass appropriate orders for transfer of proceeding and ensure that Petition is decided within the stipulated period. It is made clear that no further request for extension of the time would be entertained. Inform concern Court accordingly.

(S. G. CHAPALGAONKAR)
Judge

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