

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

23 CIVIL APPLICATION NO. 11940 OF 2025  
IN FCAST/32287/2025

WITH

CIVIL APPLICATION NO. 11941 OF 2025  
IN FCAST/32287/2025

HARSH NARSINGRAO CHAPPALWAR

....Applicant

**VERSUS**

SUSMITA HARSH CHAPPALWAR

.....Respondent

.....

Advocate for Applicant : Mr. B. R.Kedar

Advocate for Respondent : Mr. S.G. Jayewar

.....

**CORAM :** SANDIPKUMAR C. MORE, &  
VAISHALI PATIL-JADHAV, J.J.

**DATED :** JUNE 08, 2026

**ORDER:-**

1. Heard rival submissions.
2. This is application for condonation of delay of 425 days in filing appeal against the judgment and decree passed by the Family Court, whereby the divorce decree is granted to respondent/wife.
3. The learned counsel for the applicant submits that, the applicant/ husband is suffering from mental disease and after appearing before the concerned Family Court, he could not even file his written statement due to said illness. As such, the decree of the

Family Court, which is impugned in this appeal, is as good as an ex-parte decree.

4. On the contrary, the learned counsel for the respondent/wife strongly opposed the application on the ground that the petitioner was well aware about the proceedings before the Family Court and even after passing decree of divorce, he did not pay any amount towards the maintenance of respondent/wife as well as daughter of the petitioner. He, however, pointed out that, the execution proceedings for recovery of maintenance amount is going on and despite issuance of distress warrant on so many occasions, nothing was recovered.

5. The learned counsel for the applicant submits that, the applicant is suffering from mental disease and certificate to that effect is also produced on record, mentioning that he is suffering from Schizophrenia since 2011 and taking continuous treatment thereafter. According to the learned counsel for the applicant, the respondent/wife herself left him due to his mental illness.

6. Be that as it may, the arrears of maintenance at least to the daughter of the applicant are currently amounting to Rs.4,00,000/-. Therefore, considering this aspect, we deem it appropriate to condone the delay of 425 days after directing the applicant to pay at least half of the aforesaid amount of arrears of maintenance to his own

daughter i.e. Rs. 2,00,000/- (Rupees Two Lakhs only).

7. In view of the same, the application stands allowed in terms of prayer clause 'B' subject to payment of Rs. 2,00,000/- (Rs. Two Lakhs only) by the applicant towards the arrears of maintenance to the applicant's daughter within four weeks from the date of this order.

8. Needless to state that, after the payment of said maintenance amount, the appeal of the applicant be registered after removal of all the office objections, if any.

9. Civil Application No.11940 of 2025 stands disposed of.

**(VAISHALI PATIL-JADHAV)**  
**JUDGE**

**(SANDIPKUMAR C. MORE)**  
**JUDGE**

*YSK/*