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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.7813 OF 2024
(FOR DELAY)
IN
FAMILY COURT APPEAL (STAMP) NO.7036 OF 2024
WITH
FAMILY COURT APPEAL (STAMP) NO.7036 OF 2024

Kalpesh Lingoji Rane ...Applicant/Appellant
Versus
Kalpita Kalpesh Rane @
Sujata Shamsundar Sawant ...Respondent

Ms. Vishwali Botle h/f Mr. Ashutosh Gole for the Applicant/Appellant
None for the Respondent.

CORAM: BHARATI DANGRE &
ASHISH S. CHAVAN, JJ.
DATE : 16th OCTOBER 2026

P.C. *:*

1. Despite service of notice, none appears on behalf of the respondent-wife.

Interim Application No.7813 of 2024 seeks condonation of delay of 1 year and 363 days in instituting the Family Court Appeal, challenging the Judgment and Decree dated 29th September 2021 passed by the Family Court, Thane, in Petition No. A-191 of 2017, filed by the husband, whereby his claim for divorce on the grounds of

cruelty and desertion came to be rejected.

The said petition was dismissed on 29th September 2021. However, the matter needs to be appreciated in the backdrop of an earlier petition filed by the husband on the ground of cruelty, which was dismissed on 18th November 2016. The wife, who had left the matrimonial home on 14th October 2011, never joined his company. It was in these circumstances that the husband instituted a second petition, this time seeking divorce on the grounds of cruelty and desertion.

The second petition was contested by the wife, and the parties were referred to mediation. However, the wife chose not to participate in the proceedings.

2. It is the specific ground raised in the application that since the Judgment and Decree was passed on 29th September 2021 and at the relevant time the lock down was imposed on account of Pandemic, the husband was unable to approach the Court.

It is also specifically pleaded that, in the interregnum, the wife agreed to the dissolution of the marriage and even signed the Consent Terms and the husband was expecting her to come forward for divorce by mutual consent and he was advised to file a petition so that the divorce can be sought by mutual consent. However, since the proposed course of action did not materialise, the husband decided to challenge the Decree dated 29th September 2021 instead of initiating fresh proceedings, resulting in the delay in filing the appeal.

Though notice was issued, none appears on behalf of the respondent-wife. Being satisfied with the *bona fides* of the explanation offered for the delay, we deem it appropriate to condone the delay. Interim Application No. 7813 of 2024 is made absolute in terms of prayer clause 'a' and is accordingly disposed of.

The Appeal is admitted.

Issue notice to the respondent-wife, informing her that the Family Court Appeal has been admitted. At the request of learned counsel for the applicant/appellant, in addition to service of Court notice, the intimation of today's order is permitted to be served upon

the respondent-wife through paper publication.

In the meantime, the Registry shall call for the Record and Proceedings. The appellant is also at liberty to prepare a private paper-book in the aforesaid Family Court Appeal and file the same within a period of twelve weeks from today. Thereafter, the appellant is at liberty to circulate the Family Court Appeal before this Court for fixing a date for final hearing.

ASHISH S. CHAVAN, J. *BHARATI DANGRE, J.*