

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 10056 OF 2025
WITH
INTERIM APPLICATION NO. 10057 OF 2025
IN
FAMILY COURT APPEAL (ST.) NO. 23241 OF 2025

Nikita Rohit Hinge Alias

Nikita Sanjay Thorat

...Applicant

Versus

Rohit Rambhau Hinge

...Respondent

Mr. Sandeep Potade, Advocate for the Applicant.

Mr. Vivek Joshi i/b. Mr. Vikas Shivarkar, Advocate for the Respondent.

**CORAM: BHARATI DANGRE &
MANJUSHA DESHPANDE, JJ.**

DATED: 6th MARCH 2026.

PC:-

1. Heard Mr. Patode, learned Advocate for the Applicant and Mr. Joshi, learned Advocate for the Respondent.

2. This Application is filed by the Applicant seeking condonation of delay of 158 days in filing the Family Court Appeal. The order under challenge is passed by the Family Court Pune, on 01.01.2025. It is submitted that this order passed by the Family Court is an *ex-parte* order. The Applicant had no knowledge about the order passed by the Family Court. It is stated that the Applicant was not aware

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about the filing of the Petition for divorce, and even about the passing of decree dated 01.01.2025. It is only when the Applicant received the ex-parte decree of divorce dated 01.01.2025 in PDF form on 06.04.2025 on Whatsapp of the Applicant, she became aware about the divorce decree and therefore after collecting the certified copy and completing the necessary formalities, she has filed Appeal. Delay of 158 days has occurred in filing the present Appeal. In view of the explanation given by the Applicant we are satisfied that the delay is unintentional.

3. In view thereof, the same needs to be condoned. Accordingly delay of 158 days is condoned. In view of condonation of delay, the Interim Application is disposed of.

Mr. Joshi, learned advocate waives notice on behalf of the Respondent.

4. In view of condonation of delay, Appeal is admitted.

5. The Applicant is seeking stay to the effect and implementation of the impugned decree dissolving the marriage between the parties dated 01.01.2025 passed by the Family Court, Pune. The Applicant has stated in the Application that the decree has been obtained by the Respondent-husband fraudulently. A categorical averment is made in the application to the effect that the notice dated 30.08.2023 issued by the Family Court, Pune, was collected by the Respondent on 12.09.2023, from the Family Court and the same has been shown to have received by the

Applicant by putting her bogus signature on 14.09.2024. It is also stated that it is highly impossible that notice which was issued on 30.08.2023 could be received within a period of two days at distant place like Usmanabad district, which is 260 Kilometers away from Pune. The Postal authorities generally takes at least 5 to 6 days to deliver RPAD article to such a long distance. The Respondent has not intentionally placed on record the dispatch receipt of the post, and, therefore, the proceedings before the Family Court has proceeded *ex-parte* and decree of divorce came to be granted. It is also stated that although the decree of divorce came to be granted on 01.01.2025, it was sent on WhatsApp number of the Applicant from the WhatsApp number of the Respondent's mother on 06.04.2025 i.e. after the period of limitation was over. In view of the aforementioned averments made in the Application, we are of the view that the Respondent has purposely restrained the Applicant from appearing before the Family Court and contest the proceedings, and, was successful in obtaining a Decree of Divorce *ex-parte*.

Considering the fact situation, the execution and implementation of the decree of divorce dated 01.01.2025, passed by the Family Court No.3, Pune in Petition No. A 1566 of 2022, is stayed.

(MANJUSHA DESHPANDE, J.)

(BHARATI DANGRE, J.)