

*IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION*

*INTERIM APPLICATION NO.12273 OF 2025
IN
FAMILY COURT APPEAL (STAMP) NO.21549 OF 2025*

Lalita Singh ...Applicant

IN THE MATTER BETWEEN

Lalita Singh ...Appellant

Versus

Dinesh Singh ...Respondent

Mr. Pranav Narsaria with Mr. Vipul Makwana for the Applicant.

Mr. Abhijeet Sarwate for the Respondent.

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

DATE : 30th JANUARY 2026

P.C. :

1. The learned counsel Mr. Sarwate representing the respondent in the application submits that he will file his response to the prayer in the application seeking condonation of delay of 2544 days in filing the present appeal as it raises a challenge to the ex-parte divorce decree dated 11th April 2018. The question that also arise for consideration and we expect the respective counsel to address on the

said point is, pursuant to an application being filed under Order IX, Rule 13 of the Code of Civil Procedure ('CPC') and the same being rejected, being assumed that the order passed by the Family Court in the form of a ex-parte decree, whether it would be imperative to file 2 separate appeals or whether composite appeal with a prayer for condonation of a delay is maintainable.

2. The learned counsel has placed reliance on the decision of the Apex Court in the case of *Koushik Mutually Aided Cooperative Housing Society v/s Ameena Begum and Another*¹, and in particular paragraph 14 thereof, where the Apex Court has held that filing of an application under Order IX Rule 13 CPC as well as the filing of appeal under Section 96(2) the CPC against the ex-parte decree are concurrent remedies available to a defendant.

3. List on 13th February 2026.

MANJUSHA DESHPANDE, J.

BHARATI DANGRE, J.

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