

MHRT010002602024



IN THE COURT OF DISTRICT JUDGE-1, RATNAGIRI
(Presided over by A. M. Ambalkar, District Judge-1, Ratnagiri)

Civil Misc. Application No. 23/2024.

Sandeep Nivrutti Suryawanshi

Applicant

Versus

Mohini Sandeep Suryawanshi

Respondent

Order Below Exh. 01

(Dictated and delivered in open Court on 13.03.2026)

1. This is an application under Section 5 of the Limitation Act filed by applicant/original applicant for condonation of delay in preferring appeal against the order dated 12.10.2023 passed by Learned Civil Judge, Senior Division, Ratnagiri, Tal. & Dist. Ratnagiri in Hindu Marriage Petition No.40/2019.

2. It is the case of applicant/original applicant that he has preferred the appeal challenging the order dated 12.10.2023 whereby the application filed by the applicant for dissolution of marriage to be rejected by the Ld. Trial Court. However there is delay of 26 days. The applicant has filed the application for certified copy of order on 02.11.2023 and he received certified copy on 27.11.2023. The applicant was required to file the appeal

on 11.11.2023, but being serving in police department as PSI, applicant has to perform his prominent duty, therefore he was unable to attend every dates in the Court. It is further submitted that the opponent/wife has filed different complaints at the police station as well as in different Courts in Kolhapur District and thus applicant is unable to attend the Court dates as he could not get sufficient leave and to travel up to Court to attend the Court and therefore, he could not prefer the appeal within the prescribed period. According to the applicant, the delay is not willful, deliberate and intentional and the same is caused due to aforesaid reasons. On these grounds, he prayed that the delay be condoned.

3. Opponent/respondent appeared and filed her say at Exh.13 and resisted the application and submitted that applicant has filed this application for condoning delay without giving specific reason and also applicant has not deposited amount as ordered by the Court. It is also submitted that due to negligence on the part of applicant, delay has been caused. Finally, prayed to reject the application.

4. The applicant has filed her affidavit at Exh.2 in support of his contentions. Applicant and Opponent/respondent have filed their evidence close purshis at Exh. 22 and 23 respectively.

5. Perused the application. Heard Learned Advocates Shri. S. R. Parkar for the applicant and Ld. Advocate Shri. A. N. Shetye for respondent.

6. On perusal of the record, it shows that the impugned order came to be passed on 12.10.2023. The applicant has filed this application on 27.03.2024.

7. It is submitted by Ld. Advocate Shri. S. R. Parkar for the applicant that the applicant intended to challenge the impugned order dated 12.10.2023, but as being serving in police department as PSI, applicant has to perform his prominent duty, therefore he was unable to attend every dates in the Court. It is further submitted that the opponent/wife has filed different complaints at the police station as well as different Courts in Kolhapur District and thus applicant was unable to attend the Court dates as he could not get sufficient leave and to travel up to Court to attend the Court and therefore, he could not prefer the appeal within the prescribed period. He further submitted that the delay is neither deliberate nor intentional and has been explained by the applicant. He further submitted that, if the delay is not condoned, the applicant will not be able to challenge the impugned order forever and it will affect his rights, whereas no prejudice would be caused to the opponent/respondent if the delay is condoned. He further submitted that, there is no intentional delay and as such lenient view be taken and prayed for condonation of delay.

8. Considering the reasons given by the applicant, it appears that delay is not inordinate and it is of only 26 days. Further the circumstances show that delay is not intentional or deliberate. An opportunity should be given to the applicant. For

the same, it is necessary to condone the delay. Therefore, I am of the opinion that the delay in preferring the appeal deserves to be condoned. Hence, I proceed to pass the following order.

ORDER

1. Application Exh. 1 is allowed.
2. The delay to file appeal is hereby condoned.
3. The office is directed to register the appeal.

Date :- 13.03.2026

**(A. M. Ambalkar)
District Judge-1, Ratnagiri.**

I affirm that the contents of this P.D.F. file order are same, word to word, as per the original order.

Case Number		Civil Misc.Appln. No.23/2024
Name of Stenographer	:-	Shri. Rajesh G. Rahate
Name of Court	:-	District Court-1 Ratnagiri
Date of Dictation on computer	:-	13.03.2026
Order signed by the P.O. on	:-	13.03.2026
Order uploaded on	:-	13.03.2026