



Presented on : 06.01.2026  
Registered on : 07.01.2026  
Decided on : 08.05.2026  
Duration : 00Y- 04M- 02D

**IN THE DISTRICT COURT, WARDHA**

(Presided over by Ms. S.J. Ansari, District Judge-2, Wardha)

**M.J.C. No.5/2026**

**Exh.No. 14**

**CNR No.MHWR01-0000542026**

Ravindra Madhaorao Dhanorkar,  
Aged about 56 yrs. Occ.- Nil,  
R/o. Guruji Ward,  
Tah. Arvi, Dist. Wardha.

... **Applicant**

**V/s**

Nalini Ravindra Dhanorkar,  
Aged about 46 yrs. Occ.- Cultivator/Press Reporter,  
R/o. 617, Plot No.2, Ward No.3, Trimurti Nagar,  
Umari (Meghe), Behind Punjab Colony,  
Near Hindi Vishwavidyapeeth,  
Tah. & Dist. Wardha.

... **Non-applicant**

**Application under section 5 of the Limitation Act for condonation of delay.**

**Appearance :-**

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Ld. Advocate Ms. B.V. Tibdewal for the Applicant.

Ld. Advocate Shri. S.S. Jawalekar for the Non-applicant  
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**: J U D G M E N T :**  
(Delivered on 08<sup>th</sup> May 2026)

1] The present application has been filed under section 5 of the Limitation Act for seeking the condonation of the delay in filing the appeal.

2] Brief facts of the applicant's case are as under -

Ravindra Madhaorao Dhanorkar is the petitioner in H.M.P No.39/2025 Ravindra Madhav Dhanorkar Vs Sau. Nalini Ravindra Dhanorkar. Therein, the non-applicant had filed an application - Exh.15 for grant of interim maintenance and litigation expenses under section 24 of the Hindu Marriage Act. By order dtd.16-7-2025 the Civil Judge Senior Division, Arvi partly allowed the application and directed the applicant to pay interim maintenance of Rs.8,000/- per month to the non-applicant from 15-7-2024 and Rs.8,000/- towards the expenses of the proceedings.

3] The applicant – as per the application, applied for the certified copy of the said order on 8-12-2025, which copy was ready for delivery on 17-12-2025. Keeping in mind the date on which the order of interim maintenance came to be passed, the appeal against the same had to be filed on or before 16-8-2025. But, as per the applicant, the appeal in question could not be filed within the prescribed period as the applicant being a person who suffers from brain damage and other related health problems, the doctor had advised him to take rest for some days. Not only this, but the applicant was also suffering from a financial crises. As a result, he could not contact his Advocate for the purpose of filing the appeal. Some issues regarding jurisdiction of the Civil Judge Senior Division, Arvi in the matter had also been raised,

due to which the matter had then been transferred to the Civil Judge Senior Division, Wardha. Therefore, stating that a delay of 144 days had therefore occurred, which was bonafide in nature as it had not occurred due to any willful default or a deliberate intention on the part of the applicant and that he has a good case on merits, he has sought the condonation of the delay.

4] The non-applicant has filed her reply (Exh.9). In the same she has stated that after the order of interim maintenance in H.M.P No.39/2025 had been passed by the ld. Trial court, she had filed an execution proceeding vide R.D. 61/2025 on 6-12-2025 against the present applicant. Immediately, the applicant had filed an application for obtaining the certified copy of the order dtd.16-7-2025. Hence, stating that the reason stated by the applicant for explaining the delay in challenging the order of interim maintenance is completely false, she is seeking it's rejection. This is because, as per the non-applicant, the applicant has good health which can be seen from the fact that he files atleast one or two cases against her every month, swears affidavits and also remains present in each court.

5] Stating that the applicant had full knowledge about the passing of the order of interim maintenance and expenses, the non-applicant has denied the fact of the applicant having suffered any health problems for which he had been advised to take rest by the doctor. Contending that the applicant only wants to mentally, physically and economically harass her, that he had in RCS No.15/2024 as pending before the 4<sup>th</sup> Jt. Civil Judge Senior Division filed his reply to Exh.34 on 12-2-2026, wherein he stated that he keeps good health and has a good mental state, the non-applicant is seeking the rejection of

the application. This is also because, as per the non-applicant, the applicant having worked for 26 years in a government department, is economically very strong. She has therefore, sought the rejection of the application with costs.

6] Neither of the parties have led any kind of the evidence in this matter. The following points therefore, arise for my determination and I answer the same in the manner and for the reasons as stated herein below.

<b>Points</b>	<b>Findings</b>
1] Does the applicant prove that he had sufficient cause for not filing the appeal within the statutorily provided period ?	: In the negative.
2] What order ?	: The application stands rejected.

### **REASONS**

#### **As to Point No.1 :-**

7] Admittedly, the Civil Judge Senior Division, Arvi had passed the order of interim maintenance and litigation expenses below Exh.15 in H.M.P. No.39/2025 on 16-7-2025 after hearing the Advocates of both the parties. In the course of her arguments, Ms. Bela Tibdewal Advocate has contended that her client had suffered from brain damage which can be seen from the documents filed on the record along with the pursis at Exh.12. She has therefore argued that her client having suffered brain damage, he was not in a position to

immediately file the appeal, the delay in which should therefore, be condoned.

8] A perusal of the pursis (Exh.12) will show that therein it has been stated that the application filed for seeking condonation of delay having been filed on affidavit, that itself is evidence. In my opinion, this contention is completely misplaced. This is because, the applicant was required to file the application seeking condonation of the delay in filing the appeal on affidavit, which will therefore not automatically make it a piece of evidence. If the applicant would have wanted to file his evidence in the matter, he should have done so separately and also offered himself for cross-examination. Nothing of this kind having been done, there is no substance in the contention of Ms. Tibdewal Advocate about the application itself being evidence.

9] With regard to the contention that the applicant had health issues regarding his brain, it will have to be pointed out that the documents placed on the record by the applicant along with the pursis (Exh.12) are dtd.16-9-2022. Therein, the fracture of bilateral frontal bones and the roof of bilateral orbits of the applicant had been noted. However, the fact that the applicant had subsequently filed the proceeding bearing R.C.S. No.15/2024 before the 4<sup>th</sup> Jt. Civil Judge Senior Division, Wardha and even H.M.P. No.39/2025 before the Civil Judge Senior Division, Arvi, will clearly prove that he had recovered by that time and was keeping normal health. Not only this, but a perusal of the reply dtd.12-2-2026 as filed by the applicant to the application at Exh.34 in R.C.S. No.15/2024, a copy of which has been filed with the list at Exh.11, will show that therein he had stated that he was physically and mentally sound having worked for 26 years in a

government department. This will therefore, clearly go to show that the applicant was healthy at the time when the order of interim maintenance and litigation expenses had been passed by the Civil Judge Senior Division, Arvi below Exh.15 in H.M.P No. 39/2025 on 16-7-2025.

10] There is also no other material placed on the record to show that the applicant was suffering from any financial crises, to the extent that it had prevented him from obtaining a certified copy of the order of interim maintenance and challenging it within the prescribed period of appeal. Hence, it is clear that no sufficient cause has been able to be shown by the applicant for explaining the delay in filing the appeal. I therefore, answer point no.1 in the negative and record my finding thereon accordingly.

**As to Point No.2 :-**

11] In view of my finding as to Point no.1, I proceed to pass the following order.

**Order**

- 1] The application as filed under section 5 of the Limitation Act for condonation of delay stands rejected.
- 2] The parties to bear their own costs.

Date : 08.05.2026

(Ms. S.J. Ansari)  
District Judge-2, Wardha.

**CERTIFICATE**

I affirm that the contents of this PDF file Judgment are same word to word, as per the original Judgment.

(S.V. Dakhane)  
Steno.(Grade-1)