

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****INTERIM APPLICATION (ST) NO. 12970 OF 2025****IN****FAMILY COURT APPEAL (ST) NO. 12969 OF 2025****WITH****INTERIM APPLICATION (ST) NO. 12971 OF 2025****IN****FAMILY COURT APPEAL (ST) NO. 12969 OF 2025**

Susmita Amitabha Sen .. Applicant
Versus
Amitabha Sen .. Respondent
...

Ms. Monali Patil for the Applicant.

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

DATED : 13th MARCH, 2026

P.C:-

1. Interim Application (ST) No. 12970 of 2025 seeks condonation of delay of 176 days in raising a challenge to the impugned judgment and decree dated 06/07/2024, passed by the Family Court, Belapur, in Petition No. A - 388 of 2024.

2. We have heard the learned counsel for the applicant and perused the application seeking condonation of delay.

The impugned judgment has decided the proceedings filed by the husband ex parte, i.e., in absence of the wife. On perusal of the application and upon hearing the counsel for the applicant, we find

sufficient justification being offered for not filing the appeal within time and infact it is the contention raised in the application that from the date of knowledge of the order passed by the Family Court granting ex parte divorce, a certificate copy was immediately applied for, and if the delay is to be computed from the date of knowledge, there is no delay at all.

In any case, since we find the explanation offered to be *bona fide*, Interim Application (ST) No. 12970 of 2025 is allowed in terms of prayer clause (A).

3. The Registry is directed to register the Family Court Appeal. Pursuant thereto, issue notice on the appeal to the respondent, making it returnable on 24/04/2026. In addition to the Court notice, service through private mode is also permitted.

(MANJUSHA DESHPANDE, J.)

(BHARATI DANGRE, J.)

(order corrected as per order dated 23rd April, 2026)