

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

**CIVIL APPLICATION NO. 9 OF 2015
IN
FAMILY COURT APPEAL (L) NO. 34335 OF 2014**

Jaya Prakaash Bodwaani .. Applicant

v/s.

Prakaash Hassanand Bodwaani ..Respondent

Mrs. Mrunalini Deshmukh a/w Devika Deshmukh i/b ANB Legal
for the applicant

**CORAM: RANJIT MORE &
SMT. ANUJA PRABHUDESSAI, JJ.
DATED: 10th JULY, 2015.**

P.C.

1. Heard. Leave to amend. Necessary amendment shall be carried out forthwith.

2. This Civil Application is filed for condonation of 174 days delay in filing the Family Court Appeal. By order dated 27.03.2015, this Court issued notice to the respondent with liberty to the applicant to serve the respondent by private notice.

3. Learned Counsel for the applicant submit that the respondent is served by private notice and affidavit of service to that effect is already filed. Despite this, the respondent has preferred not to appear in the civil application. Therefore, averments made in the application deemed to have been accepted. Otherwise also, we find that the averments made in paragraphs 2 and 3 are sufficient to condone the delay in filing the aforesaid appeal.

4. Therefore, Civil Application is allowed in terms of prayer clause (a). The delay of 174 days in filing the appeal is condoned.

5. Registry to place the Family Court Appeal on board for admission on 24th July, 2015.

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)