

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**CIVIL APPLICATION NO. 1053 OF 2016
IN
FAMILY COURT APPEAL ST. NO. 2735 OF 2016**

Ujwala Ramesh Anantwar	.. Applicant
Versus	
Ramesh Govindrao Anantwar	.. Respondent

Shri N. B. Patekar, Advocate h/f Shri P. R. Katneshwarkar,
Advocate for the Applicant.
Shri Ameya N. Sabanis, Advocate for the Respondent.

**CORAM : S. V. GANGAPURWALA AND
K. L. WADANE, JJ.
DATE : 26TH AUGUST, 2016.**

PER COURT :

. This is an application seeking condonation of delay of 124 days caused in filing the family court appeal.

2. The learned counsel for the applicant states that, the applicant was not having knowledge of the decree having been passed on 24.08.2015. Though the present applicant appeared, no written statement order was passed and, thereafter applicant did not prosecute the proceedings and for the first time on 23rd November, 2015, the applicant got the knowledge of ex-parte decree being passed. Thereafter applicant approached the advocate, arranged for the funds and certified copies and

thereafter immediately filed the appeal. The delay is not intentional one.

2. Mr. Sabanis, the learned counsel for the respondent states that, the conduct of the applicant is improper. Suppressing the fact of decree being passed, the present applicant obtained order of injunction against the respondent under the provisions of the Protection of Women from Domestic Violence Act. No sufficient cause is stated.

3. We have considered the reasons stated by the applicant in the application. It appears that, the applicant did not participate in the proceedings before the Family Court after putting her appearance. The reasons are forthcoming for the delay caused. It can be said to be sufficient cause. Even otherwise whenever the cause for substantial justice and technical considerations are pitted against each other, cause for substantial justice has to be sub served.

4. Considering the above, the civil application is allowed. The delay is condoned. The civil application is disposed of.

[K. L. WADANE, J.]

[S. V. GANGAPURWALA, J.]