

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

**CIVIL APPLICATION NO. 1670 OF 2016
IN
FAMILY COURT APPEAL STAMP NO. 4037 OF 2016**

Vaishali Nagsen Sarje .. Applicant

Versus

Nagsen Kondibarao Sarje .. Respondent

Shri V. D. Patnurkar, Advocate for the Applicant.
The Respondent is served.

**CORAM : S. V. GANGAPURWALA AND
K. K. SONAWANE, JJ.
DATE : 10TH JUNE, 2016.**

PER COURT :

. Though the respondent is served, none appears for the respondent.

2. This is an application seeking condonation of delay in filing Family Court Appeal against the judgment and decree passed by the Family Court thereby allowing the petition filed by the respondent U/Sec. 10 of the Hindu Marriage Act.

3. According to Mr. Patnurkar, the learned counsel for the applicant, the judgment and decree is *ex-parte*. The applicant

could not get the knowledge of the judgment and decree immediately and thereafter the applicant was suffering from major depression. The medical certificate to that effect is annexed.

4. Though the respondent is served, the respondent has not put forth his appearance and controverted the averments made in the application. The decree, it appears, is an *ex-parte* one. The applicant has annexed the copy of medical certificate showing that, she was under treatment of Dr. Sancheti from 11.11.2014 to 30.06.2015, the applicant was suffering from major depression, anxiety, so also panic disorder. Considering averments made in the application and the medical certificate annexed, so also considering the fact that, decree is an *ex-parte* one. The application is allowed. The delay is condoned. The civil application is disposed of.

[K. K. SONAWANE, J.]

[S. V. GANGAPURWALA, J.]