

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

**CIVIL APPLICATION NO. 4009 OF 2016
IN
FAMILY COURT APPEAL ST. NO. 16042 OF 2015**

Sandip Samsherrao Jadhav .. Applicant

Versus

Chhaya Sandip Jadhav .. Respondent

Shri Amol P. Khedkar, Advocate for the Applicant.
Shri Kshitij Surve, Advocate h/f Shri Hemant Surve, Advocate
for the Respondent.

**CORAM : S. V. GANGAPURWALA AND
K. L. WADANE, JJ.**

DATE : 18TH NOVEMBER, 2016.

PER COURT :

. The learned counsel for the applicant submits that, in preferring the appeal delay of 91 days is caused. The applicant had lost the job and he was unemployed. In search of employment he had to go out of Aurangabad. At the same time the parents were facing ill health. As such could not file the appeal in time.

2. The learned counsel for the non applicant opposes the application on the ground that no sufficient cause has been

stated. The cause stated is false.

3. The appeal arises out of matrimonial proceedings. The reasons are given by the applicant. Even otherwise when technical considerations and cause for substantial justice are pitted against each others, the cause for substantial justice has to be sub-served. However for the delay that has been caused, the applicant deserves to be mulct with cost.

4. In the light of the above, we pass following order.

5. The delay caused in filing the appeal is condoned subject to condition that the applicant pays cost of Rs. 5,000/- (Rs. Five thousands only) to the non applicant within a period of four (04) weeks from today. The cost either be paid directly to the non applicant or be deposited in the Court. The civil application is disposed of. No costs.

[K. L. WADANE, J.]

[S. V. GANGAPURWALA, J.]