

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

FAM No. 56 of 2017

Smt. Anamika Soni **Versus** Milind Kumar Soni

4/8/2017	Mr. Keshav Dewangan, Counsel for the appellant. Mr. M.K. Bhaduri, Counsel for the respondent. Heard learned counsel for the appellant on I.A. No.1, which is an application for condonation of delay in filing the appeal. This appeal is barred by 51 days. It is urged that under Section 28 of the Hindu Marriage Act, the period of limitation is 90 days whereas under the Family Court Act the period of limitation is 30 days, therefore, due to this anomaly or discrepancy in two different legislations, confusion occurred in the mind of the trial Court's counsel, who could not give proper advice to the appellant to prefer appeal within 30 days. Considering the anomaly or discrepancy providing two different period of limitation in two different legislations, we are satisfied that the appellant has been able to demonstrate sufficient <i>bona fide</i> cause for condoning the delay, therefore, the delay of 51 days in filing the appeal deserves to be and is hereby condoned. Accordingly, I.A. No.1 stands allowed. Also heard on admission. Admit. With the consent of learned counsel for the parties, the appeal is heard finally. Order passed separately. Sd/- Judge Shyna Sd/- Judge Prashant Kumar Mishra Sd/- Judge Arvind Singh Chandel

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