

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

902 CIVIL APPLICATION NO. 11719 OF 2017
IN FCAST/3836/2017 WITH FCA/6/2017

RENUKA VIJAY MAHAGAVALI
VERSUS
VIJAY KISAN MAHAGAVALI

...
Advocate for Applicant : Mr. M.G. Kochar
Advocate for Respondent : Mr. Hemant Surve
...

**CORAM : T.V. NALAWADE AND
S.M. GAVHANE, JJ.**

DATED : September 13, 2017.

ORDER :

. The application is filed for condonation of delay of 62 days caused in filing appeal against judgment and decree of proceeding No. A-171/2015 which was pending before Family Court, Aurangabad. Trial Court has granted the decree of dissolution of marriage in favour of husband and the maintenance is granted in favour of wife. Present proceeding is filed by wife as she wants to challenge the decision of dissolution of marriage. There is one Family Court Appeal No. 6/2017 filed by the husband to challenge the decree of maintenance.

2. The learned counsel for husband has strongly opposed the application filed for condonation of delay. He

submitted that the right vested in the husband will be indirectly taken away due to condonation of delay.

3. In view of the circumstance that the proceeding is filed by wife and in view of difficulty Indian lady will face, this Court holds that sufficient cause is shown. So, the application is allowed. The delay is condoned.

4. Notice in appeal of wife is waived by learned counsel Shri. Surve for husband.

5. Both the matters are to be kept on 13.10.2017 for final disposal.

6. Prior to that, the party who is interested in early disposal of the matters may file private paper book.

7. Call record and proceeding.

[S.M. GAVHANE, J.]

[T.V. NALAWADE, J.]

ssc/