

(CAM 123 of 2016)

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IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION No. 123 OF 2016  
IN  
FAMILY COURT APPEAL (ST) No. 12107 OF 2016  
WITH  
CIVIL APPLICATION No. 124 OF 2016  
IN  
FAMILY COURT APPEAL (ST) No. 12107 OF 2016

|                            |                          |
|----------------------------|--------------------------|
| Mr. Manoj Sadanand Raikar  | ....Applicant/ Appellant |
| Vs.                        |                          |
| Mrs. Jhanvi Manoj Raikar @ |                          |
| Jhanvi Vasant Lingayat     | ....Respondent           |

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Mr. Narayana B. Suvarna for Applicant/ Appellant  
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**CORAM : R.M. BORDE &  
A.S. GADKARI, JJ.**

**DATE : JANUARY 18, 2017**

P.C. :

1. In spite of service of the notice, none appears on behalf of the Respondent. The matter relates to the custody of the children. According to the Appellant, the decree impugned in the petition was passed in his absence and it has been ordered under the decree to hand over the custody of the children to the Respondent-Wife. It is the contention of the Appellant -husband/father that the children were residing with him. Since the decree has been passed in his absent and since the matter relates to the custody of the children, we deem it fit

(CAM 123 of 2016)

that it would be proper if the application for condonation of delay is allowed.

2. Hence, application filed for condonation of delay is allowed. The delay of 1 year and 237 days is condoned and it is accordingly disposed of.

3. Issue notice in FCA as well as in the application for interim relief, returnable on 15.2.2017.

**[ A.S. GADKARI, J.]**

**[ R.M. BORDE, J.]**