

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION  
**CIVIL APPLICATION NO. 219 OF 2016**  
**IN**  
**FAMILY COURT APPEAL (ST.) NO. 14487 OF 2016**

|                                    |                     |
|------------------------------------|---------------------|
| Mrs. Kalpana Harakchand Dedhia ... | Appellant/Applicant |
| Vs.                                |                     |
| Mr. Harakhchand Ratanshi Dedhia... | Respondent          |

Mr. Shashant C. Thatte i/b. Mr. Ranjit A. Agashe for the Applicant.  
None for the Respondent.

**CORAM: R.M.SAVANT &**  
**SMT.SADHANA S.JADHAV, JJ.**  
**DATE : 3<sup>rd</sup> July 2017.**

**P.C.**

The above Civil Application has been filed seeking condonation of delay of 275 days in filing the above Family Court Appeal. The above Family Court Appeal is directed against the judgment and order dated 7.5.2015 passed by the learned Judge of the Family Court No.2, Pune. By the said order, the Marriage Petition bearing No.B-79 of 2010 came to be partly allowed with costs in terms of the directions issued therein.

2. Insofar as the said directions are concerned, the learned Judge of the Family Court granted injunction in respect of the matrimonial house and further restrained the Respondent-husband from restricting entry of the Applicant-wife in the matrimonial house. However, the learned Judge of the

Family Court rejected the injunction in respect of the other properties.

3. Insofar as the maintenance is concerned, the learned Judge of the Family Court has granted maintenance in the sum of Rs.6,000/-. It seems that the Applicant-wife has filed independent proceedings for challenging the quantum of maintenance.

4. Insofar as the delay is concerned, the reasons therefor are mentioned in paragraphs 5 to 7 of the Civil Application. The sum and substance of the reasons that the Applicant-wife being a housewife was busy with her children's College and C.A. Examinations and in view thereof, the Applicant-wife could not approach and engage any Advocate to challenge the said judgment and order dated 7.5.2015. It is further averred that the child Jessica was unwell on account of which the Applicant-wife had to look after her and it is lastly averred that after contacting an Advocate, one Family Court Appeal was proposed to be filed, but on obtaining legal advice, it became known that two proceedings would have to be filed challenging the two components of the impugned order, the Applicant had to approach another Advocate and thereafter the instant Family Court Appeal has been filed.

5. Heard the learned Counsel appearing on behalf of the Applicant-wife. None appears for the Respondent, though served by paper

publication. The learned Counsel for the Applicant-wife reiterates the reasons mentioned in the above Civil Application for justifying the delay of 275 days. In our view, the reasons mentioned in paragraphs 5 and 6 of the Civil Application can be said to be the plausible reasons for the delay of 275 days occurring in the filing of the Family Court Appeal. Hence, a case for exercise of discretion is made out. The Civil Application is allowed. The delay of 275 days in filing the Family Court Appeal is condoned. The Civil Application is accordingly disposed of. List the Family Court Appeal for admission after four weeks.

**(SMT. SADHANA S.JADHAV, J.)**

**(R.M.SAVANT,J.)**