

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO.245 OF 2015
IN
FAMILY COURT APPEAL STAMP NO.18684 OF 2015**

Mrs. Lalita Prashant Walvalkar	..Applicant
Versus	
Mr. Prashant Mahadeo Walvalkar	..Respondent
Mr. Prosper D'Souza for the Applicant.	
None for the Respondent.	

**CORAM : R. M. SAVANT &
SMT. SADHANA S. JADHAV, JJ
DATE : 23rd JUNE, 2017**

PC.

1 The above Civil Application has been filed seeking condonation of delay of 436 days in filing the above FCA. The reasons for the delay are mentioned in paragraphs 2 to 6 of the Civil Application. The sum and substance of the reasons that the Appellant did not have the legal advise at her disposal, namely that she had to file an FCA against the impugned judgment and decree and that she was also facing financial stringency. The other ground for delay is that the Appellant's mother was unwell and therefore she had to look after her and therefore could not take steps to file the Appeal.

2 None appears for the Respondent, though on the last

occasion the above Civil Application was adjourned at the instance of the Learned Counsel appearing for the Respondent who had stated that a copy of the above Civil Application was not served upon the Respondent.

3 The Learned Counsel appearing for the Applicant states that the copy was served on the Respondent on 15.06.2017 of which the Learned Counsel shows the acknowledgement of the Respondent as endorsed on the forwarding letter bearing the said date.

4 Hence accepting the reasons mentioned in the Civil Application, the same is allowed. Resultantly, the delay of 436 days in filing the Appeal stands condoned. The Civil Application is accordingly disposed of. List the FCA for admission after four weeks i.e. on 21.07.2017 alongwith Civil Application No.61 of 2015 in FCAST No.2935 of 2015.

[SMT. SADHANA S. JADHAV, J]

[R.M.SAVANT, J]