

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 4463 OF 2016
IN
FIRST APPEAL (ST) NO. 26629 OF 2016

Sancharita A. Mukherjee

.. Applicant

vs.

Abhijit A. Mukherjee

.. Respondent

P.U. Badadare a/w. Mr. Rahul Singh & Mr. Chetan Agrawal i/b Legal Catalyst for the Applicant.

CORAM : M. S. SONAK, J.

DATE : 14 MARCH 2017.

P.C. :-

1] The respondent though served is neither present nor represented.

2] The respondent has filed a reply to oppose the application for condonation of delay in institution of the appeal. In reply, the respondent has stated that the statement made in paragraph 4 (k) in the application seeking condonation of delay is false.

3] The learned counsel for the applicant submits that there is no falsity in the statement, since what is referred to in paragraph 4(k) is the reason for the delay in applying for certified copy of the application made by the respondent in respect of restitution of conjugal rights.

4] The delay in this case is of 83 days. There is sufficient cause shown in the application. This is not a case of any wilful suppression or wilful misstatement. Accordingly, the delay of 83 days in the

institution of the appeal is hereby condoned and Civil Application No. 4463 of 2016 is disposed of.

5] The Registry to now number the first appeal and place it for admission and interim reliefs on 4 April 2017 on supplementary board. The applicant to give fresh notice to the respondent informing him about the next date.

(M. S. SONAK, J.)

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