

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 127 OF 2017
IN
FAMILY COURT APPEAL NO. 153 OF 2015
WITH
CIVIL APPLICATION NO. 126 OF 2017
IN
FAMILY COURT APPEAL NO. 153 OF 2015**

MR. SUDHIR KISHOR MASAND

..APPLICANT

Vs.

SMT. VANSIKA SUDHIR MASAND

..RESPONDENT

**Mr. Pradeep M. Patil a/w Mr. Sachin D. Bagal
for the Applicant
None for the Respondent**

**CORAM : R. M. SAVANT, J &
SMT. SADHANA S. JADHAV, J.
DATE : 22nd JUNE, 2017**

P.C.

1 The above Civil Application No. 127 of 2017 is filed for seeking condonation of delay of 7 months and 4 days in filing the Application i.e. Civil Application No. 126 of 2017 for restoration of the above Family Court Appeal. The FCA was dismissed for non removal of the office objections by the conditional order dated 25/02/2016 passed by the learned Registrar Judicial -2 of this Court. The reasons why the delay has occurred in filing the application for restoration have been mentioned in the Civil Application. Office note indicates that the service was sought to be effected on the Respondent/Wife, she has refused to accept the same. Hence, it would have to

be held that it is a good service.

2 Hence, accepting the reasons mentioned in the Civil Application, the delay of 7 months and 4 days in filing the application stands condoned.

3 In so far as the application for restoration is concerned i.e. Application No. 126 of 2017, since the delay in filing the same has been condoned, there is no impediment in allowing the same. The Civil Application No. 126 of 2017 is accordingly allowed. Resultantly, the Family Court Appeal is restored to file.

4 List the FCA for admission after 4 weeks. The learned counsel for the Appellant may serve Private Advocate's notice on the Respondent intimating the Respondent that the FCA has been restored by the instant order and would be taken up for admission on 20/07/2017.

5 The above Civil Applications are accordingly disposed of.

[SMT. SADHANA S. JADHAV, J.]

[R.M.SAVANT, J]