

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

**CIVIL APPLICATION NO.343 OF 2016
IN
FAMILY COURT APPEAL STAMP NO.33748 OF 2016**

**Dharmishta Jayani Maru : Applicant/Appellant.
versus
Jayanti Malji Maru : Respondent.**

**Mr. Pravin Patel for the Applicant.
Mr. U S Jain a/w Ms. Grishma Lad for the Respondent.**

**CORAM : R. M. SAVANT &
SMT. SADHANA S JADHAV, JJ.
DATE : 19th JUNE 2017**

P.C.

1 The above Civil Application has been filed for condonation of delay of 79 days in filing the above Family Court Appeal. The reasons therefor are found in paragraph 8 of the Application.

2 The Applicant was married to the Respondent who is working in Class IV cadre in the Municipal Corporation of Greater Mumbai. It is the case of the Applicant that on account of the death of her grand-father and also on account of the fact that she does not have the wherewithal to file the proceedings, that the delay of 79 days in filing the above Family Court Appeal has occurred.

3 The application is sought to be opposed by the learned counsel

Shri Jain appearing on behalf of the Respondent by contending that the reasons mentioned in the Application do not constitute sufficient cause.

4 It is well settled that in matters of condonation of delay a highly technical and pedantic approach should be eschewed and an approach which furthers the case of substantial justice should be adopted. In our view, the interest of justice would be served if the Applicant-Wife is permitted to prosecute the above Family Court Appeal on merits rather than being thrown out on technicalities. The above Civil Application is accordingly allowed. Resultantly, the delay of 79 days in filing the above Family Court Appeal stands condoned. List the above Family Court Appeal along with Civil Application No.344 of 2016 on 10/07/2017. The above Civil Application is accordingly disposed of.

[SMT. SADHANA S JADHAV, J]

[R.M.SAVANT, J]