

IN THE HIGH COURT OF JUDICATURE AT BOMBAY:
NAGPUR BENCH : NAGPUR
Civil Application [CAS] No. 1096 of 2016
IN
Second Appeal St. No.23802 of 2016
[Smt. Jyoti Vinod Awari Vs. Vinod Janbaji Aware]

Office Notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's orders

Mr. R. Bhuihar, Adv., for the applicant.
Ms. Kriti Satpute, Adv., for non-applicant.

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CORAM : A. S. CHANDURKAR, J.

DATE : 30th June, 2017

Prayer is to condone delay in filing the Second Appeal. The reasons for the cause of delay are mentioned in paras 4 and 5 of the application.

The prayer as made is opposed by the learned counsel for the non-applicant. It is submitted that the reasons assigned are not sufficient to condone the aforesaid delay.

Perused the contents of application.

The proceedings between the parties arise out of a prayer made by the respondent for grant of divorce. The petition as filed was allowed by the trial Court and the appeal preferred by the appellant was dismissed as delay in filing the said appeal was not condoned.

Considering the nature of litigation between the parties and the effect on their status, accepting the reasons mentioned in the application, the delay stands condoned.

Civil Application is allowed and disposed of.

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Second Appeal St. No. 23802 of 2016 :

Heard.

Issue notice for final disposal on the following substantial question of law:-

Whether the appellate Court was justified in not condoning the delay of eight days in filing appeal under Section 28 of the Hindu Marriage Act?

Notice is made returnable on 18th July, 2017.

Ms. Kirti Satpute, learned counsel, waives notice on behalf of the respondent.

Judge