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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**CIVIL APPLICATION NO.9644 OF 2018
IN
REJECTED CASE NO.660 OF 2018
IN
FAMILY COURT APPEAL (ST.) NO.42182 OF 2017**

Rupali w/o Mahendra Pattebahadur,
Age: 30 years, Occu: Household,
R/o : c/o Sidharth Jondhale,
ND-42/J-3, 57/08, Near Vidya Niketan
High School, Vaibhavnagar,
Shivneri Nagar, Hudco, Nanded

..APPLICANT

VERSUS

Mahendra s/o Mahadeo Pattebahadur,
Age: 43 years, Occu: Service,
R/o: Nanded Housing Society,
Vijaynagar, Nanded,
At present – Kamalnagar, Kamchimet,
Nagpur

..RESPONDENT

Mr S. S. Gangakhedkar, Advocate for applicant

**CORAM : PRASANNA B. VARALE
AND
S. M. GAVHANE, JJ.**

DATE : 27th July, 2018

ORAL ORDER:

Heard Mr Gangakhedkar, learned Counsel appearing on behalf of applicant.

2. By way of present application, the applicant prays for condonation of delay, caused in filing application seeking restoration of the appeal. He

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submitted that there were certain office objections in the matter and the applicant-appellant was to remove those office objections within a stipulated period. He requested that as his colleague/associate failed to take necessary steps, but for a communication gap, the said office objections could not be removed within stipulated period and resultantly, the registration of the appeal was refused.

3. Mr Gangakhedkar, learned Counsel then submitted that the delay caused is purely for unintentional and bona fide reasons and due to communication gap and as such, the same is unintentional. He then submitted that the appellant has raised substantial grounds in the appeal and rejection of the same on technical ground would put the appellant into a serious prejudice.

4. In view of the submissions of the learned Counsel for appellant and for the reasons stated in the application, the civil application is allowed. Delay is condoned.

(S. M. GAVHANE, J.)

(PRASANNA B. VARALE, J.)

sjk