

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.121/2018
IN
FAMILY COURT APPEAL (ST) NO.6188/2018

Meera Vijay Hatekar

... Applicant

V/s.

Vijay Tukaram Hatekar

... Respondent

Mrs. Seema Sarnaik for the Applicant

Mr. Sadhana Sawant i/b. Vaibhav Punekar for the Respondent

**CORAM: K.K. TATED &
B. P. COLABAWALLA, JJ.**

DATED : JUNE 12, 2018

PC. :

1 Heard. By this Civil Application, the Applicant wife is seeking to condone the delay of 247 days in preferring the Family Court Appeal challenging the judgment and decree dated 16.03.2017 passed by the Family Court, Bandra, Mumbai in Petition No.A-2119/2015 by which the Respondent husband's petition for divorce under section 27(1)(b) and (d) of the Special Marriage Act was allowed.

2 The learned counsel for the Respondent husband vehemently opposed the Civil Application. She has filed Affidavit in reply dated 24.04.2018. She submits that the Applicant has failed and neglected to show sufficient cause for condonation of delay of 247 days delay in preferring the Family Court Appeal. She submits that as the Applicant

has failed to show sufficient cause for condonation of inordinate delay, the Civil Application is liable to be dismissed with costs.

3 Considering the submissions made by the learned counsel for the Applicant and the reasons disclosed in the Civil Application we are satisfied that the Applicant has made out a case for allowing the Civil Application.

4 Hence, following order is passed.

a) Civil Application is allowed in terms of prayer clause (a) which reads thus:

“(a) That delay of 247 days in the filing the above Family Court Appeal be condoned.”

b) Civil Application stands disposed of accordingly.

(B. P. COLABAWALLA, J.)

(K.K. TATED, J.)