

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

**CIVIL APPLICATION NO.110 OF 2017
IN
FAMILY COURT APPEAL STAMP NO.8981 OF 2017**

Shashikant Yallappa Gaikwad : Applicant/Appellant.

Versus

Sou.Meena Shashikant Gaikwad : Respondent.

**Mr. Y G Thorat i/by Mr. S B Thorat for the Applicant/Appellant.
Ms. Ameeta Kuttikrishnan for the Respondent.**

**CORAM : R. M. SAVANT &
SANDEEP K SHINDE, JJ.**

DATE : 25th JANUARY 2018

P.C.

1 The above Civil Application has been filed for condonation of delay of 129 days in filing the above Family Court Appeal. The reasons therefor are mentioned in paragraph 4 of the Civil Application. The sum and substance of the reasons is that the Applicant/Appellant did not have the financial wherewithal to engage an advocate and therefore some time was lost in making financial arrangements.

2 In our view, the reason mentioned in the above Civil Application and especially in paragraph 4 thereof can be said to be the plausible reasons for the delay of 129 days occurring in filing the above Family Court Appeal. Hence case for exercise of discretion is made out. The above Civil Application is accordingly allowed and made absolute in terms of prayer clause (a). The

Applicant/Appellant to pay costs of Rs.2000/- to the Respondent herein within two weeks from date. The costs to be paid over to the learned counsel Ms. Ameeta Kuttikrishnan who would forward the same to the Respondent. Payment of costs is a condition precedent. If the costs are not paid, then the benefit of this Order would enure to the Applicant/Appellant and resultantly the Civil Application would then be deemed to have been dismissed. The above Civil Application is accordingly disposed of.

[SANDEEP K SHINDE, J]

[R.M.SAVANT, J]