

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

**CIVIL APPLICATION NO.197 OF 2017
IN
FAMILY COURT APPEAL (ST) NO.33949 OF 2016**

Yogesh Pravin Bhinde ... Applicant
v/s
Meenakshi Yogesh Bhinde ... Respondent

Mr Siddharth Shah i/b M/s Siddharth Shah and associates for
Applicant.
None for Respondent.

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

DATE : 05 March, 2018.

P.C. :-

1 Heard. Though the Respondent is duly served, none appeared for them when the matter was called out. The Applicant has filed Affidavit of service stating that the Respondent has refused to accept any court papers. Hence, the matter is taken up for hearing on merits.

2 This Application is made by the husband for condonation of 56 days delay in preferring the Family Court Appeal challenging the judgment and decree dated 04.06.2016 passed by the Family Court, Bandra, Mumbai in Petition No.A-2646/2015 by which the Petitioner's Application u/s.13(1)(ia) read with section 26 of the Hindu Marriage

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Act for dissolution of marriage on the ground of cruelty and for custody of child came to be rejected.

3 Considering the submissions made by the learned counsel for the Applicant and the averments made 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. Delay in preferring the Family Court Appeal is condoned.
- b. Civil Application stands disposed of accordingly.

(B.P. COLABAWALLA, J)

(K.K. TATED, J.)