

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

921 CIVIL APPLICATION NO.3279 OF 2017
IN FCAST/5147/2017

SAMEENA BEGUM ASADULLAH KHAN
VERSUS
ASADULLAH KHAN @ BABLU KHALILULLAH KHAN

...

Advocate for Applicant : Mr. Shaikh Wajeed Ahmed
Advocate for Respondents : Mr. Zia Ul Mustafa

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**CORAM : T.V.NALAWADE, &
SUNIL K.KOTWAL, JJ.**

DATE : 01st FEBRUARY, 2019

O R D E R :

This application is filed for condonation of delay of around 700 days caused in filing the appeal against the judgment and decree for restitution of conjugal rights against the appellant by the Family Court, Nanded in petition No. A-253 of 2014 (Old No. RCS 661 of 2013).

2. Both sides are heard.

3. The contention of the applicant that she had

approached the Advocate when the summons of the suit was served on her and after that there was no communication between her and the Advocate and judgment came to be passed. Today the learned counsel for respondent/husband brought to the notice of this Court that lady had approached to the Police Station Itwara, District Nanded, to inform that she could not contest the matter, which was filed by the husband for restitution of conjugal of rights and as she was pregnant and there was danger to her life from her husband, she was not ready to return her matrimonial house. Copy of birth certificate is produced on record, which shows that she gave birth to a child on 8.2.2014.

4. These circumstances are corroborating the contention made by the applicant. She could have achieved nothing by contesting the matter which was filed by the husband.

5. In these circumstances and in view of the aforesaid probabilities and the defence taken by the wife, this Court hold that sufficient cause is shown to condone the delay. Delay is condoned. Learned counsel Mr.Zilla Ul Mustafa waives service of notice for respondent/husband.

6. Register the Family Court Appeal. Issue notice to the respondents.

7. Call R & P.

8. List the matter for final disposal of the appeal on 8.3.2019.

[SUNIL K.KOTWAL, J.]

[T.V.NALAWADE, J.]

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