

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

909 CIVIL APPLICATION NO.13593 OF 2019
IN SAST/31674/2019

MAHESH SHANTARAM SHIMPI
VERSUS
SARIKA MAHESH SHIMPI

Mr. Mukulanand R. Wagh, Advocate for the applicant
Mr. Chaitanya C. Deshpande, Advocate for respondent

CORAM : S. M. GAVHANE, J.

DATE : 18-12-2019

P. C.

. Heard learned counsel for the parties.

2. Appellant husband has filed this application to condone the delay caused in filing the appeal aggrieved by dismissal of his civil appeal No. 25 of 2011 by the Principal District Judge, Dhule against the decree in Hindu Marriage Petition No. 145 of 2006 of restitution of conjugal rights passed in favour of respondent wife.

3. Learned counsel for the applicant submitted that applicant received copy of order of the appellate court, but he could not challenge the same in time due to financial constrain to pay legal fees of Advocate and so also, according to him there was delay to have advise to challenge the order of appellate court and therefore, there is sufficient cause to condone the delay of 278 days caused in filing the appeal and it is not intentional. It is submitted

that same may be condoned.

4. Learned counsel appearing for the respondent though opposed to grant the application, nothing is placed on record to support the objection.

5. Considering the submissions made by the learned counsel appearing for the parties and the grounds of delay referred to above particularly mentioned in paragraphs Nos. 7 and 8 of the application, the delay is condoned. Application is allowed.

6. Appeal be registered.

[S. M. GAVHANE, J.]