

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

912 CIVIL APPLICATION NO.14329 OF 2018
IN FCAST/33279/2018

JYOTI W/O SUNIL MEHARKAR
VERSUS
SUNIL S/O BABURAO MEHARKAR

...

Advocate for Applicant : Mr. Shrinivas H. Panchal.

Advocate for Respondent : Mr. A. A. Mukhedkar.

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

DATE : 06th February, 2019.

P.C.:

. The application is filed by the wife for condonation of delay of 545 days caused in filing the family court appeal against the decree of divorce given against the Appellant on the ground of desertion.

2 Both the sides are heard.

3 This Court has gone through the contentions made in the application. The submissions made and the contentions show that the Appellant / Applicant is living with her parents, but the father is dead and it is her case that she has no financial resource for even paying the fees of the counsel. The learned counsel for Respondent submitted that the real brother of the Applicant is an Advocate working

at Hingoli. This Court cannot presume that the real brother was supporting her. Nothing could have been achieved by the Appellant by not filing the appeal in time as that would have certainly create complications against her. In view of these circumstances and particularly the circumstance that she is a lady and she has no financial resource and aforesaid contentions made, this Court holds that sufficient cause is shown. So, the application is allowed. Delay is condoned.

4 Register the family court appeal. Issue notice to Respondent in family court appeal. The notice is waived by Mr.Mukhedkar, learned counsel for Respondent, husband. Call record and proceedings. List the family court appeal for final disposal on 22nd March, 2019. Copy is to be supplied by the Appellant.

[SUNIL K. KOTWAL, J.]

[T. V. NALAWADE, J.]

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