

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

FAMILY COURT APPEAL (ST) NO.17211 OF 2019

Sapana Shekhar Pokale	...	Appellant
versus		
Shekhar Pandharinath Pokale	...	Respondent

Mr. Amjith N. Anandhan with Mr. Nikhil Mallelwar I/by Mr. Sachin R. Pawar, for Appellant.
Mr. P.J.Thorat, for Respondent.

**CORAM: AKIL KURESHI &
 S.J. KATHAWALLA, JJ.**

DATE: 26th JULY, 2019

P.C.:

1. The present Appeal is filed by the Appellant challenging the judgment and order dated 24th April, 2019 passed by the Family Court, Pune in Miscellaneous Civil Application No.126 of 2018, whereby the prayer seeking condonation of delay of 39 days in filing the Review Petition/Application was rejected. The review was sought by the Appellant with regard to the order passed by the Family Court dated 23rd August, 2018 rejecting the Application made by the Appellant seeking restitution of conjugal rights. After perusing the order, we are of the view that the said delay of 39 days ought to have been condoned and the Review Petition ought to have been placed for hearing on merits. In view thereof, we set aside the impugned order dated 24th April, 2019 and direct the Family Court, Pune to hear the Review Application on merits preferably

within a period of four weeks from the date of this order. All contentions of the parties are kept open. It is clarified that this Court has not heard the matter on merits. The Family Court Appeal is accordingly disposed of.

(S.J.KATHAWALLA, J.)

(AKIL KURESHI, J.)