

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.273 OF 2018
IN
FAMILY COURT APPEAL (ST) NO.7187 OF 2018
WITH
FAMILY COURT APPEAL (ST) NO.7187 OF 2018**

Komal Rishi Parikh	...	Applicant
versus		
Rishi Arun Parikh	...	Respondent

Ms. Trupti Chavan I/by Mr. Pradip Chavan and Associates, for Applicant.

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

DATE: 26th JULY, 2019

P.C.:

1. The Appellant-wife has filed the above Family Court Appeal impugning the judgment passed by the Family Court, Mumbai dated 4th September, 2017 on three grounds namely that the decree of divorce is not granted to the Appellant on the ground that the Respondent has already obtained a decree of dissolution of marriage from the High Court of Kenya at Mombasa in Divorce Cause No.6 of 2015 dated 18th February, 2015, that no order is passed by the Family Court qua the custody of the child who is seven years old and that the Respondent was directed to pay of Rs.15,000/- per month towards the maintenance of the minor child till the child becomes major.

2. From the judgment it is clear that the Respondent has not appeared before

the Family Court, despite service. The present Civil Application is taken out to condone the delay of 51 days in filing the above Family Court Appeal. For reasons set out in the Civil Application, delay of 51 days in filing the above Family Court is condoned. The Civil Application is accordingly disposed of.

3. As far as the Family Court Appeal is concerned, issue Rule, made returnable on 23rd August, 2019. The Appellant is allowed to issue notice to the Respondent by email/registered post A.D./air mail. The Respondent is put to notice that if he fails to attend the Court on the adjourned date by himself and/or through his Advocate, the Court shall proceed to hear the Appeal finally in his absence and pass appropriate orders.

(S.J.KATHAWALLA, J.)

(AKIL KURESHI, J.)