

R.M. AMBERKAR
(Private Secretary)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 72 OF 2019
IN
FAMILY COURT APPEAL (ST) NO. 33427 OF 2018
WITH
CIVIL APPLICATION NO. 73 OF 2019
WITH
CIVIL APPLICATION NO. 74 OF 2019

Amrit Pal Singh Sehme .. Applicant

Versus

Tript Kaur Sehme .. Respondent

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- Mr. Deep Morabia i/by Zaid S. Ansari & Associates for the Applicant
 - Ms. Sneha Jain i/by M/s. Siddh Vidya for the Respondent
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CORAM : AKIL KURESHI &
S.J. KATHAWALLA, JJ.

DATE : AUGUST 9, 2019.

P.C.:

1. By this Civil Application, the applicant is seeking condonation of delay in filing Family Court Appeal. By order dated 13.3.2019, this Court granted conditional stay. Paragraphs 3 and 4 of the said order are reproduced hereunder:-

"3. When the present proceedings are being adjourned at the request of Respondent Wife and when the Appellant Husband is facing execution, which is at the advanced stage,

we would like to protect the Appellant Husband for the interim period. This, however, cannot be done unconditionally. Two undisputed facts are that sizable arrears of maintenance arise out of the judgment of Family Court and the Appellant earns sizable income, being employed in merchant navy, even after considering the statement of Counsel for the Appellant that, recently he has been laid off.

4. Under such circumstances, there shall be stay against the execution proceedings till next date of hearing on the condition that before the returnable date, the applicant shall deposit a sum of Rs. 5 lakhs before the Family Court. Upon such deposit, it would be open for the Respondent Wife to withdraw the same."

Even after about five months have passed, the applicant has not complied with the order dated 13.3.2019. In view thereof, this Civil Application seeking condonation of delay in filing the Family Court Appeal is rejected. Stay vacated. However, the applicant shall be at liberty to move this Court if he complies the order dated 13.3.2019.

2. In view of disposal of this Civil Application, the Family Court Appeal as well as other Civil Applications are also disposed of.

[S.J. KATHAWALLA, J.]

[AKIL KURESHI, J]