

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CIVIL APPLICATION (O) NO. 924/2019

IN

FAMILY COURT APPEAL NO. 48/2019

Amit A. Toye

..VS..

Rachana A. Toye

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri A.A. Choube, Advocate for the appellant
Shri C.S. Dharmadhikari, Advocate for the respondent

CORAM : Z.A.HAQ & PUSHPA V. GANEDIWALA, JJ.

DATED : 03/10/2019

Learned advocate for the appellant states that on perusal of roznama of the proceedings before the Family Court, it is clear that there is no delay in filing the appeal, however, the application praying for condonation of delay of 320 days in filing the appeal is wrongly filed.

Learned advocate for the respondent does not dispute the factual aspect.

Hence, the civil application is **disposed** as unwanted.

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By this appeal, the appellant (husband) has challenged the order passed by the Family Court, striking out his defence for non-payment of the amount of interim

maintenance as directed by the Court. Undisputedly, the respondent (wife) has to maintain a minor school going child.

After going through the impugned order, prima facie, we are of the view that the observations recorded by the Family Court that the appellant is lingering the matter carry some substance. Hence, to give an opportunity to the appellant to show bonafides, we permit him to deposit an amount of Rs. Two Lakh with the registry of this Court till 14/10/2019.

List the appeal for further consideration/hearing on 16/10/2019.

JUDGE

JUDGE

Ansari