

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

CIVIL APPLICATION NO.1467 OF 2018
IN FAMILY COURT APPEAL ST. NO. 17718 OF 2018
(Mr. Dhananjay Tanaji Suryavanshi vs. Mrs. Ashwini Dhananjay Suryavanshi)

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

Shri S.D. Dharaskar, Advocate for applicant.
Ms. K. Deshpande, Advocate for respondent.

CORAM : P.N. DESHMUKH AND
 PUSHPA V. GANEDIWALA, JJ.

DATED : JUNE 20, 2019

Heard Shri Dharaskar, learned Counsel for applicant, and Ms. Deshpande, learned Counsel for respondent.

Shri Dharaskar, learned Counsel for applicant, has pointed out Pursis St. No.17409/2018 establishing payment of maintenance amount of Rs.20,000/-. In that view of the matter, Office objection does not survive.

This application is for condonation of 279 days' delay caused in preferring appeal against the order of Family Court in Petition No. A-44/2016, which was filed under Section 13(1)(i-a) and (I-b) of the Hindu Marriage Act, 1955.

It is the case of applicant that due to old age of his parents, he is required to look after them and due to various frivolous applications filed by respondent

time and again, he was unable to take steps to prefer appeal within stipulated period and, therefore, delay is caused.

Having considered subject matter of appeal, which is involving amount towards maintenance and as learned Counsel for applicant makes a statement, subject to verification, that as per his knowledge, respondent has re-married, we find that it is necessary to give an opportunity to consider the case of applicant on merits instead of rejecting application on mere technicality.

In that view of the matter, delay is condoned. The application is allowed.

Office to register appeal.

Issue notice to respondent.

Ms. Deshpande, learned Counsel waives notice for respondent.

Put up for final disposal in the week commencing from 15/7/2019.

JUDGE

JUDGE

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