

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**8 CIVIL APPLICATION NO.10729 OF 2019
IN SAST/16694/2019**

SUNITA RAMESH JADHAV
VERSUS
RAMESH DAGADUSAHEB JADHAV (BOKADE)

Mr. Dhananjay Mane, Advocate h/f Mr. K. B. Bhise, Advocate for the
applicant
Mr. S. V. Gundre, Advocate for sole respondent

CORAM : S. M. GAVHANE, J.

DATE : 20-01-2020

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. Heard learned counsel appearing for the parties.

2. Applicant-wife who has filed second appeal aggrieved by the judgment and order dated 03-12-2018 in RCA No. 12 of 2011 passed by the Principal District Judge, Latur has filed this application to condone the delay of 61 days caused in filing the appeal against the decision of Principal District Judge.

3. Learned counsel appearing for the applicant submitted that as there is no other source of livelihood to applicant, she is facing financial difficulties as well as she is not aware of the legal proceeding and therefore she could not approach this court for filing appeal in time. The delay caused is not intentional.

4. Learned counsel for the respondent-husband has also filed separate appeal aggrieved by the decision in the aforesaid appeal and the same is pending in this court.

5. Learned counsel for the respondent opposed to grant the application, however, there is nothing on record to substantiate the objection.

6. Considering the submissions made by the learned counsel for the applicant and the grounds mentioned in paragraph No. 3 of the application and the fact that husband has also filed appeal aggrieved by the decision in the first appeal it is just to condone the delay caused in filing the appeal. Therefore, delay is condoned. Application is allowed in terms of prayer clause (B).

7. Appeal be registered. After appeal is registered, learned counsel Mr. Gundre, waives service of notice before admission for respondent-husband.

8. Place the appeal on 25-02-2020 alongwith the Second Appeal No. 470 of 2019 for admission.

[S. M. GAVHANE, J.]