

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CIVIL APPLICATION (O) NO.653 OF 2020

IN

FAMILY COURT APPEAL (FCA) (ST) NO.7480 OF 2019

RAJESH MAHADEVRAO WANKHEDE

-VERSUS-

LAXMI RAJESH WANKHEDE

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

Court's or Judge's order

Shri. T. S. Deshpande, Advocate for the Applicant.

CORAM : A. S. CHANDURKAR AND N. B. SURYAWANSHI, JJ.

DATED : 26th OCTOBER, 2020.

Hearing was conducted through Video Conferencing and the learned counsel agreed that the audio and visual quality was proper.

The application is filed for condonation of delay of 44 days in preferring Family Court Appeal. The impugned judgment is passed on 01.01.2019 and the certified copy was applied on 11.01.2019 and the same is delivered on 23.01.2019. The present appeal is filed on 28.03.2019.

The learned advocate appearing for the applicant placed reliance on the Full Bench Judgment passed by this Court in the case of *Shivram Dodanna Shetty ..Vrs.. Sharmila Shivram Shetty* reported in **2017 (1) Mh.L.J. 281**, which lays down that the appeal to the High Court from the decree and the order of Family Court under Hindu Marriage Act, 1955 (for short "the said Act")

and the period of limitation is 90 days prescribed by Section 28 (4) of the said Act.

In view of the fact that the impugned judgment is passed on 01.01.2019, the period of limitation of 90 days would expire on 31.03.2019, whereas the appeal is filed on 28.03.2019 and the same is within limitation and there is no delay in filing the present appeal. The Civil Application is therefore disposed of.

The Registry to register the Family Court Appeal.

FAMILY COURT APPEAL (FCA) (ST) NO.7480 OF 2019

Heard.

Admit.

Call for Record and proceedings.

(N. B. SURYAWANSHI, J.)

(A. S. CHANDURKAR, J.)