

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

CIVIL APPLICATION (O) NO. 2209/2018
IN
FAMILY COURT APPEAL (ST.) NO. 8798/2018

Sangita R. Kokate
 ..VS..
 Rajendra N. Kokate

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

Court's or Judge's orders

Shri S.S. Joshi, Advocate for the appellant

CORAM : Z.A.HAQ & S.M.MODAK, JJ.
DATED : 10/01/2020

The office note shows that notice is not served on the non-applicant / respondent as the noticee (non-applicant / respondent) is not residing on the given address.

Learned advocate for the applicant / appellant has pointed out that petition under Section 13 (1) (i-a) (i-b) of the Hindu Marriage Act was filed before the Family Court by the non-applicant / respondent showing his registered address as :- R/o "C/o. Dashrath Manohar, Near Buddha Vihar, Bhosale Nagar, Nagpur" and same address is shown in the present appeal also.

Relying on the provisions of Order VI Rule 14-A (1) to (4) of the Code of Civil Procedure, it is submitted that as the notice is sent on the registered address of the non-applicant / respondent, it has to be treated as valid service. It is further pointed out that the non-applicant / respondent has not given any intimation on record about change of his address.

We find substance in the submission made by learned advocate for the applicant / appellant, and hold that notice of the civil application is served on the non-applicant / respondent.

Accepting the explanation given in the application, the delay of 39 days in filing the appeal is condoned.

The civil application is **allowed** accordingly.

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Taken up for hearing on admission.

Heard.

ADMIT.

Call R. & P.

The appellant shall file the private paper-book within six months.

In addition to the usual mode, the appellant shall serve the respondent by SP/RPAD.

JUDGE

JUDGE