

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION (ST) NO.24699 OF 2019
IN
FIRST APPEAL (ST) NO.24698 OF 2019**

Mr.Sunil S. Wadkar ..Applicant

V/s.

Mrs.Aarti Sunil Wadkar (Aarti G. More) ..Respondent

Ms.Jonita R. D'Abreo for the Applicant.

CORAM : C.V. BHADANG, J.

DATE : 08th JANUARY 2021

P.C.

1. This is an application for condonation of delay of 120 days in filing appeal.

2. I have heard the learned counsel for the applicant. None appears for the respondent.

3. The parties are husband and wife. The parties had filed a petition under Section 28 of the Special Marriage Act for dissolution of marriage. According to the learned counsel for the applicant, although the applicant has acted on the consent terms, the respondent has not complied with her part of the Consent Terms.

4. The learned District Judge at Thane, by the judgment and order dated 23rd January 2019 has dismissed the Marriage Petition No.21 of 2018, in view of the withdrawal of the consent by the respondent-Petitioner No.2 before the learned District Judge. It is this judgment which the applicant seeks to challenge.

5. The learned counsel for the applicant submitted that in the meantime the respondent had again assured to abide by the consent terms and therefore parties were exploring the possibility of the settlement which ultimately did not materialize which is one of the reasons which has caused the delay.

6. On hearing the learned counsel for the applicant and for the reasons mentioned in the application, I find that the applicant has made out sufficient cause, for not filing the appeal within time. The delay deserves to be condoned.

7. In the result, the Civil Application is allowed. The delay is condoned. Let the First Appeal be registered.

C.V. BHADANG, J.