

FARAD CONTINUATION SHEET No.  
IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
NAGPUR BENCH AT NAGPUR

CIVIL APPLICATION (O) NO. 62 OF 2021  
IN  
M. C. A. ST. NO. 876 OF 2021  
IN  
F.C.A. NO.243 OF 2014 (D)

HEMRAJ S/O KESHAORAOJI KHODE  
VERSUS  
SMT. ALKA W/O HEMRAJ KHODE

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

Shri Abdul Bashir, Advocate for applicant /appellant.

**CORAM : A.S. CHANDURKAR AND G. A. SANAP, JJ.**

**DATE : JUNE 29, 2021.**

Hearing was conducted through video conferencing and the learned Counsel agreed that the audio and visual quality was proper.

This is an application for condonation of delay of 1653 days in filing an application for restoration of appeal.

The respondent is served. The respondent has not appeared.

We have heard the learned counsel for the applicant / appellant.

The respondent has failed to appear and filed the reply. The averments made in the application have gone unchallenged. On perusal of the reasons and grounds stated in the application, we are of the opinion that in the interest of justice, an opportunity deserves to be granted to the applicant to have the decision of the appeal on merits. The dispute is

between husband and wife. In our considered opinion keeping in mind the nature of dispute, the resolution of dispute on merits would meet the ends of justice. The grounds and reasons stated in the application cannot be discarded and disbelieved. As such, the application deserves to be granted. The delay is, therefore, condoned subject to filing of paper book within four weeks.

Application stands disposed of.

(G. A. SANAP, J.)

(A.S. CHANDURKAR, J.)