

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

CIVIL APPLICATION (O) NO. 296 OF 2018
IN FAMILY COURT APPEAL ST. NO. 2208 OF 2018

(Sau. Swati w/o Shivshankar Shahu, Chhindwara (M.P.) Vs. Shivshankar s/o
Basodilal, Nagpur)

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

Court's or Judge's orders.

Shri PP. Pendke, Advocate for the applicant/
appellant.

Shri M.V. Amale, Advocate for the respondent.

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CORAM : A.S. CHANDURKAR &
PUSHPA V. GANEDIWALA, JJ.
SEPTEMBER 09, 2021.

Heard.

2. This is an application for condonation of 666 days delay caused in filing the Appeal, which is being filed against the judgment and decree dated 29/02/2016 passed by the Family Court No.4, Nagpur in Petition No. A-1082/2014.

3. It is the contention of Shri Pendke, learned counsel for the applicant/ wife, that the applicant/ wife never received the notice of the divorce proceedings, which have been initiated by the respondent/ husband.

4. On the contrary, Shri Amale, learned counsel for the respondent, through his reply-

affidavit filed on record the copy of summons along with the report of bailiff showing that the applicant/ wife did receive the summons for appearance before the Family Court, Nagpur.

5. That the applicant/ wife disputed her signature on the report of the bailiff below Exh.7.

6. Without going into the question as to whether the applicant/ wife received summons or not, as the ex-parte decree of divorce is passed against her on the ground of cruelty, in our considered opinion, one opportunity needs to be given to her to contest the petition of divorce.

7. In this view of the matter, the application is allowed. Delay of 666 days caused in filing the Appeal is condoned. Appeal be registered.

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8. Issue notice to the respondent, returnable after four weeks.

9. Shri Amale, learned counsel, waives notice for the respondent.

10. Call R & P

(JUDGE)

(JUDGE)