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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.10533 OF 2022

IN

SECOND APPEAL NO.489 OF 2022

Mrs. Vimal Balasaheb Ghore

...Applicant

vs.

Shri. Balasaheb Kondiba Ghore

...Respondent

....

Mr. Aniesh S. Jadhav, for the Applicant

....

CORAM : S.M. MODAK, J.

DATE : 6 SEPTEMBER 2022

P.C. :

Interim Application No.10533 of 2022

Heard learned Advocate for the Applicant/Appellant /defendant. The trial Court decreed the suit ex-parte. The defendant intend to file first appeal. However, there was a delay. The first appellate Court refused to condone the delay. The said order is challenged by way of Second Appeal No.489 of 2022.

2. It was dismissed on 5 July 2022, as no one is present on behalf of the Appellant. Immediately on 6 July 2022, present application for restoration is filed. Though notice is claimed to have

been served, there is no appearance on behalf of the Respondent-husband. Private notice has returned back as the Respondent has changed the address. Then private notice on fresh address is served and affidavit is filed. Considering the limited issue, this application is heard. The reasons mentioned in the application are convincing, hence, the application is allowed in terms of prayer clause (a). The appeal to be restored.

Second Appeal No.489 of 2022

Heard. Limited issue is involved in this appeal, that is to say, whether the first appellate court has wrongly refused to condone the delay caused in preferring first appeal by the Appellant-wife. Notice for final disposal at admission stage is issued returnable on 21 October 2022. Additionally, private notice is allowed. Service affidavit be filed. Hamdast is also allowed. The Appellant is permitted to amend the title cause by adding the new address of the Respondent within two weeks. Notice be issued on fresh address.

(S.M. MODAK, J.)