

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

**CIVIL APPLICATION NO.265 OF 2019
IN
FAMILY COURT APPEAL (ST) NO.22233 OF 2019**

Dr. Bindu Devdutt Purohit

...Applicant

Vs.

Smt. Alka Purohit

...Respondent

Mr. M. S. Bhandari i/b Pranjali Bhandari for the Applicant.

Mr. Kishor Maru for the Respondent.

**CORAM : NITIN JAMDAR &
SHARMILA U. DESHMUKH, JJ.**

DATED : 14 SEPTEMBER 2022.

P. C. :

This Application is filed seeking condonation of delay of 125 days in filing the Family Court Appeal.

2. The Applicant is the original Petitioner who had filed the Petition No.D-34 of 2017 in the Family Court, Mumbai seeking custody of minor daughter and two sons and in the alternative for access. The Petition filed by the Applicant was returned on 29 September 2019 directing it to be presented to the appropriate Court

on the ground that the Family Court does not have territorial jurisdiction. The Applicant has stated that he had already applied for certified copy on 22 February 2019 and the same was ready on 6 March 2019 and the Appeal was filed on 30 July 2019.

3. This Application is opposed by the Respondent-wife by filing a reply affidavit. According to the Respondent, sufficient reasons are not made out and the order passed by the Family Court is correct and as per law.

4. We have perused the Application and the reply. The Applicant has sought access of minor daughter and access as claimed is not rejected on merits but, on the ground of territorial jurisdiction. Considering the nature of dispute and the reasons given in the Application, we are of the opinion that equities can be balanced, if the the Application is allowed imposing suitable cost to be paid to the wife.

5. Accordingly, the Civil Application is allowed subject to cost of Rs.10,000/- to be paid to the Respondent-wife within a period of 4 weeks.

6. Subject to payment of costs as above, list the appeal on board for admission on 19 October 2022.

(SHARMILA U. DESHMUKH, J.)

(NITIN JAMDAR, J.)