
IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.103 OF 2018

IN

FAMILY COURT APPEAL (L) NO.7287 OF 2018

IN

PETITION NO.A-181 OF 2012

Kajal Pankil Nandu

.. Appellant/Applicant
(Original Petitioner in
Petition No.A-181/2012)

Versus

Mr. Pankil Mansukh Nandu

.. Respondent

Ms.Tanvi Rane i/b Sabiha Ansari, Advocates for the Applicant.

**CORAM : B. P. COLABAWALLA &
M.M. SATHAYE, JJ.**

DATE : JUNE 23, 2023

P. C.

1. This Civil Application is filed seeking condonation of delay of 14 days in filing the Appeal against judgment and decree dated 7th June, 2017 of the Family Court, Thane in Petition No.A-181/2012. This Petition was filed by the Applicant seeking restitution of conjugal rights. The said Petition was dismissed by the impugned order. Hence this Application.

2. We have heard the learned advocate appearing on behalf of the Applicant and also perused the affidavit of service dated 10th March, 2023. After perusing this affidavit it is clear that the above Civil Application as well as the Appeal has been served on the Respondent not only by e-mail but also through Whats App.

3. This apart, the Report of bailiff shows that the bailiff contacted the Respondent on telephone and the Respondent said he will remain present in the Court and receive the notice.

4. Despite all this, today when the matter is called out, none appears on behalf of the Respondent and we find that no Vakalatnama is filed on his behalf.

5. We have perused the Application for condonation of delay and which is only for 14 days. For the reasons stated in the Application we are of the view that the delay ought to be condoned.

6. In these circumstances, the above Civil Application is allowed in terms of prayer clause 8(i) which reads thus:-

“8

(i) *Condone the delay of 14 days in filing the appeal for setting aside the judgment and decree of dismissal dated 07-06-2017 of the Family Court Thane in petition bearing No.A-181/2012 and the matter may be heard on merits, and”*

7. The Civil Application is disposed of in the aforesaid terms.

However, there shall be no order as to costs.

8. This order will be digitally signed by the Private Secretary/ Personal Assistant of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.

[M.M. SATHAYE, J.]

[B. P. COLABAWALLA, J.]