

SA Pathan

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

WRIT PETITION NO.12241 OF 2022

**WITH
WRIT PETITION NO.12243 OF 2022**

Naznin @ Nazneen Sarfaraz Mukadam ... Petitioner
V/s.
Sarfaraz Likyakat Mukadam & Ors ... Respondents

SHABNOOR
AYUB
PATHAN
Digitally signed by
SHABNOOR AYUB
PATHAN
Date: 2023.10.21
10:52:52 +05'30'

Mr. Amay S Tamhane, for petitioner.

Mr. S. C. Mangle a/w Ms. Bhagyshri Ranade & Ms.
Reena Prajapati, for respondents.

CORAM : AMIT BORKAR, J.

DATED : SEPTEMBER 25, 2023

P.C.:

1. By the impugned order, the District Court has condoned delay of one year in filing the appeal against the decree for divorce and decree for restitution of conjugal rights.
2. Considering the fact that matrimonial rights of the parties are involved and considering the reasons stated in the application, though the respondents can be termed as negligent; however, the attempt on the part of respondent was not with malafide intention.
3. It appears from the reasons mentioned in the application that there was the reason mentioned is bonafide. Therefore, no interference in exercise of positive discretion by the Appellate

Court. However, considering the reasons stated in the application, the respondent shall pay additional cost of Rs.10,000/- jointly in both the writ petitions. Subject to payment of Rs.10,000/- within four weeks from today. *Cost of Rs.10,000/- be paid to the petitioner.*

4. Both the writ petitions stand disposed of. No costs.

(AMIT BORKAR, J.)

Note:- This order is modified as per order dated 19 October 2023. Corrections in paragraph 3 is shown italicize.