
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO.16650 OF 2023
IN
FAMILY COURT APPEAL (ST) NO.29092 OF 2023
IN
PETITION NO.A-1209 OF 2020

Payal Sinha .. Applicant

In the matter between:

Payal Sinha .. Appellant
(Org.Petitioner)

Versus

Prashant Saxena .. Respondent
(Org.Respondent)

Mr.Kunal Bhange a/w Mr.Yash Joglekar, Advocate for the
Appellant/Applicant.

CORAM : B. P. COLABAWALLA &
SOMASEKHAR SUNDARESAN, JJ.
DATE : DECEMBER 22, 2023

P. C.

1. The above Interim Application is filed seeking a
condonation of delay of 88 days in filing the above Family Court Appeal.

2. When the above matter had come up on 10th November, 2023 the office was directed to issue notice to the Respondent. In addition to the Court notice the Appellant was permitted to serve the Respondent by private notice as well as by e-mail mentioned in the cause title of the above Application.

3. Today when the matter is called out, we noticed that the acknowledgment of the Court notice is yet to be served. However, the Appellant has filed an affidavit of received dated 5th December, 2023 evidencing the service of the above Family Court Appeal as well as the Interim Application on Respondent-Husband by e-mail.

4. We are satisfied that the Respondent has been duly served. Despite service none have appeared on behalf of the Respondent-Husband.

5. After hearing the learned advocate appearing on behalf of the Applicant/Appellant we are satisfied that the sufficient cause has been made out for condoning the delay. In these circumstances, the above Interim Application is allowed in terms of prayer clause (a) which reads thus:-

"(a) That the delay of 88 days in filing the present Family Court Appeal may be condoned;"

6. The above Interim Application is disposed of in the aforesaid terms. However, there shall be no order as to costs.

7. Considering that the delay has been condoned the Registry shall now proceed to number the above Family Court Appeal subject to the Applicant/Appellant removing all other office objections within a period of 4 weeks from today, failing which the above Appeal shall stand dismissed without further reference to the Court.

8. Place the above Family Court Appeal on board for directions on 19th January, 2024.

9. The advocates for the Appellant shall serve copy of this order on the Respondent-Husband by e-mail.

10. 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.

[SOMASEKHAR SUNDARESAN, J.]

[B.P.COLABAWALLA, J.]