



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

MISC. CIVIL APPLICATION (MCA) NO. 483/2022 IN
FAMILY COURTS APPEAL NUMBER (FCA) NO. 2/2015

(Indermohan Singh Sethi s/o Suvinder Singh Sethi Vs. Kawaljeet Chadha wd/o Kuljeet Singh Chaddha)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. R. P. Joshi, Advocate for applicant.
Mrs. H.M. Mehta, Advocate for non-applicant.

CORAM: VINAY JOSHI AND
VALMIKI SA MENEZES JJ.

DATED : 09/10/2023.

Heard.

2. This is an application for restoration of Family Courts Appeal (FCA) No. 2/2015 which was dismissed in-default vide order dated 12.03.2020. This Court has noted that since last two dates, the appellant was absent, therefore, the matter was dismissed for want of prosecution.

3. The applicant/appellant would submit that at relevant time, pandemic situation has just began. He would submit that there was panic in the society and therefore, he was not in a position to attend the Court, particularly on 12.03.2020. It is submitted that Supreme Court in suo motu petition has considered the in-captivity of the litigants to take steps in pandemic situation and accordingly, exempted the time from 25.03.2020 till 28.02.2022. The other side objected on the ground that no substantial reasons has been made out to justify the applicant's absence on the date of dismissal. Considering

the news of spreading of Corona vires, everybody was under fear and therefore, on that count, applicant was not present. A judicial note can be taken that few days preceding to the exemption granted by the Supreme Court, already there was surge of pandemic situation. Lock-down was declared by the State as precautionary major in the intermittent period.

4. Considering above aspect, we deem it appropriate to restore the Family Courts Appeal No. 2/2015 to decide the cause on merit. In view of above, appeal stands restored at the same stage.

5. Application stands disposed of in above terms.

(VALMIKI SA MENEZES, J.)

(VINAY JOSHI, J.)

Gohane