

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR**

**CAO NO.685/2019 AND MCA ST.NO.23123/2018 IN FAMILY COURT APPEAL
ST.NO.307/2018**

Narendra s/o Vyankatesh Dafrey

..VS..

Mrs.Nilima w/o Narendra Dafrey

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

Court's or Judge's Order

.....
Shri A.R.Kapley, Counsel for the Applicant.

Shri S.N.Bawangade, Counsel for Non-applicant.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 10/03/2023

1. This is an application for condonation of delay caused in filing the application for restoration of family court appeal stamp. Delay is of 101 days.

2. As per contention of the applicant, the family court appeal came to be filed on 4.1.2018. The Registrar raised some objection and passed conditional order. Inadvertently, the said conditional order was not noted and, therefore, office objection was not removed within time and the appeal came to be dismissed. Hence, the delay is caused.

3. Learned counsel Shri S.N.Bawangade for the non-applicant raises the objection on the ground that the delay is not properly explained.

4. It is apparent that inadvertently learned counsel for the applicant has not noted the objection and also not noted the conditional order of dismissal and, therefore, the delay is caused. For the mistake on the part of counsel, the litigant should not suffer.

5. For reasons stated in the application, the application is **allowed**. The delay stands condoned. On the applicant's removing the office objection within two weeks from today, the family court appeal stamp is restored to its original file.

6. The application and the misc. civil application stand **disposed of**.

(URMILA JOSHI-PHALKE, J.)

!! BrWankhede !!

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