

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 769 OF 2023
IN
FAMILY COURT APPEAL NO. 158 OF 2019

Shabbir I. Sheikh

.. Applicant

Versus

Noushadbi Shabbir Sheikh

.. Respondent

Ms. Archana Gaikwad *for the Applicant.*

Mr. Suresh Kamble *for the Respondent.*

**CORAM : B. P. COLABAWALLA &
SOMASEKHAR SUNDARESAN, JJ.**

DATE : JANUARY 25, 2024

P. C.

1. The above Application is filed seeking to condone the delay of one year and 9 months in filing the paper book as per the order dated 16th January, 2020 and restore the above Appeal to file.

2. By order dated 16th January, 2020, this Court admitted the above Appeal and directed that the Appellant to file private paper book within a period of one year from the said date, failing which, the Family Court Appeal would stand dismissed without further referring back to the Court.

3. The learned Advocate appearing for the Appellant/husband submitted that shortly after the order was passed, there was a National Lock Down from 20th March, 2020 due to the Covid-19 Pandemic. It is because of this that the delay has occurred. She has also stated that the private paper book is now ready and will be filed within a period of two weeks from today. She, therefore, requested that the above Appeal be restored to file.

4. The learned Advocate appearing for Respondent/wife vehemently opposed the restoration. He submitted that no cause whatsoever is made in the application for condoning the delay and restoring the Appeal to file. Consequently, he submitted that the Interim Application be dismissed.

5. We have heard the learned Advocates appearing for the parties. We have also perused the papers and proceedings in the above Interim Application. For the reasons stated in the above Interim Application, we are satisfied that the delay ought to be condoned and the above Appeal be restored to the file of this Court.

6. In these circumstances, the above Interim Application is allowed in terms of prayer clause (a) which reads thus:

“a) This Hon’ble Court may be pleased to condone the delay of 1 year 9 months delay on filing the Paper Book and matter be restored on such terms and conditions as this Hon’ble Court may deem fit and proper.”

7. The private paper book shall be filed in the Registry on or before 8th February, 2024, failing which, the above Interim Application shall stand dismissed and so shall the Appeal. It is needless to clarify that a copy of the paper book shall also be supplied by the Advocate for the Appellant/Husband to the Advocate for the Respondent-Wife.

8. The Interim Application is accordingly disposed of. No order as to costs.

9. 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.]