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

**INTERIM APPLICATION NO.3540 OF 2022
IN
FAMILY COURT APPEAL (ST.) NO. 3873 OF 2022**

Milind S. Desai .. Applicant

Versus

Mrunalini M. Desai .. Respondent

Mr. Vilas Tapkir for the Applicant.

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

DATE: FEBRUARY 15, 2024

P. C.

1. The above Interim Application is filed seeking a condonation of delay of 6 years and 47 days in filing the above Family Court Appeal.

2. The Family Court Appeal impugns the judgment and order passed by the Family Court under Section 11 and Section 13(1)(i-a) of the Hindu Marriage Act, 1955. The only explanation given by the Applicant is that after the impugned Judgment and order was passed,

the Advocate appearing for the Applicant herein as well as two to three other advocates advised him that there is no merit in filing the Family Court Appeal, and therefore, not to file any Appeal before this Court. He, thereafter, in the month of January, 2022 contacted advocate Mr. Purohit and after going through the Judgment, the said advocate advised the Applicant herein to file the above Family Court Appeal. This is the only explanation given for the delay of 6 years and 47 days.

3. Having gone through the Interim Application, we find that there is absolutely no explanation for the aforesaid delay. The explanation sought to be given is beautifully vague. In these circumstances, we find no merit in the above Interim Application.

4. The above Interim Application seeking condonation of delay in filing the above Appeal is dismissed, and consequently, so is the above Family Court Appeal.

5. 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.]