

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

**INTERIM APPLICATION NO. 12731 OF 2023
IN
FAMILY COURT APPEAL (LODGING) NO. 13371 OF 2023**

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Mrs.Mehajabeen Shakir Khan

.. Applicant/
Orig. Appellant

In the matter between:

Mrs.Mehajabeen Shakir Khan

.. Appellant

Versus

Mr.Shakir Matiulla Khan

...Respondent

Mr.Kevin Gala, Advocate for Applicant/Appellant-wife.

Ms.Rui Danawala i/b Ashraf Ali Shaikh, Advocate for Respondent-husband.

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

DATE : JANUARY 18, 2024.

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1. The above Interim Application is filed seeking a condonation of delay of 398 days in filing the above Family Court Appeal.

2. The reason for the delay is that the Advocate for the Applicant/Appellant never attended the matter before the Family Court, though engaged and in fact on the date on which the impugned order was passed, the Appellant-wife was present before the Family Court and asked for an adjournment to engage a new Advocate which was refused. It is the case of the Applicant that she being a pardanasheen, she was not well advised by her Advocates or any other person regarding the outcome of the order passed by the Family Court, Pune. This is basically the reason for the delay.

3. Having heard the learned Advocate appearing on behalf of the Applicant and considering that the impugned order was passed on 17th September 2021, we are of the view that the delay in filing the above Appeal deserves to be condoned. In these circumstances, the delay is condoned and the Registry is directed to number to above Appeal subject to the Applicant/Appellant removing all other office objections within a period of four weeks from today, failing which, the above Appeal shall stand dismissed without further reference to the Court.

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

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.]