

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 9880 OF 2024
IN
FAMILY COURT APPEAL (ST.) NO. 16000 OF 2024**

Jitendra R. Sharma

.. Applicant

Versus

Ruchi J. Sharma

.. Respondent

Adv. Kush Khandelwal for the Applicant.

**CORAM: B. P. COLABAWALLA &
 FIRDOSH P. POONIWALLA, JJ.**

DATE: AUGUST 02, 2024

P. C.

1. The above Interim Application is filed seeking a condonation of delay of 32 days in filing the above Family Court Appeal.

2. When this matter had come up on 5th July, 2024, we had directed to issue notice to the Respondent-wife returnable today. In addition to the Court notice, the Applicant/Appellant was permitted to serve the Respondent-wife with all papers and proceedings in the above Family Court Appeal by private notice as well.

3. The learned Advocate appearing for the Applicant/Appellant has tendered an affidavit of service dated 1st August, 2024, evidencing that service has been effected on the Respondent-wife. The said affidavit is taken on record.

4. As far as the Court notice is concerned, the same has not been dispatched because the papers and the proceedings in the above Family Court Appeal were not forwarded to the Registry.

5. Be that as it may, since the papers and proceedings in the above Appeal have been served by private notice, we are satisfied that service has been effected on the Respondent-wife. Despite service and which was effected as far back as on 15th July, 2024, none have appeared on behalf of the Respondent-wife.

6. Having gone through the Interim Application, we are satisfied that there is sufficient explanation for condoning the delay of 32 days in filing the above Family Court Appeal. In these circumstances, the above Interim Application is allowed in terms of prayer clause (a) which reads thus:

“That the delay of 32 days in filing the present Family Court Appeal may be condone;”

7. Now that the delay is condoned, the Advocates for the Appellant shall remove all other office objections within a period of two weeks from today, failing which, the above Appeal shall stand dismissed without further reference to the Court. If all other objections are removed, the Family Court Appeal shall be numbered and placed on board for admission on 30th August, 2024.

8. The Advocate for the Applicant/Appellant is directed to serve a copy of this order on the Respondent-wife.

9. The above Interim Application is disposed of in the aforesaid terms. No order as to costs.

10. Place the above Family Court Appeal on board on 30th August, 2024 for admission.

11. 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.

[FIRDOSH P. POONIWALLA, J.]

[B. P. COLABAWALLA, J.]