



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CIVIL APPLICATION NO.946 OF 2024
FAMILY COURT APPEAL ST. NO. 4720 OF 2024

Dr. Mayuri w/o Eshan Nerkar

..vs..

Dr. Eshan s/o Narendra Nerkar

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

Court's or Judge's orders

Shri N.A. Waghmare, Advocate h/f Shri P.B. Patil, Advocate for
the applicant.

CORAM: VINAY JOSHI AND MRS.VRUSHALI V. JOSHI, JJ.
DATED : 06/08/2024.

Heard.

2. This is an application seeking condonation of delay of 55 days caused in filing the appeal to challenge the decree of divorce dated 30.11.2023 passed by the Family Court in petition No.A-274/2023.

3. The non-applicant husband has filed said petition seeking a decree of divorce on the ground of cruelty and desertion. It reveals from the record that the applicant wife has appeared in the proceedings however she did not file written statement, and thus, resultantly without contest a decree of divorce has been passed.

4. Learned Counsel appearing for the applicant would submit that at the relevant time, the applicant was taking Education in Manipal University, State of Karnataka, and therefore, was not aware about the proceedings. It is submitted that the Counsel has not informed the dates and there was misconception about

the period of limitation, which lead to cause delay.

5. Considering the ground canvassed and the rights involved in the proceeding, the matter needs to be looked upon. We are aware that the non-applicant is not before us, still it is consistent view that, while considering the delay condonation application, the Court shall adopt a liberal approach for advancements of justice and it shall not be thwarted on mere technicalities.

6. Having regard to all above facts including length of delay, the application is allowed. Delay stands condoned. The application stands disposed of accordingly.

FAMILY COURT APPEAL ST. NO.4720/2024

Heard.

2. **ADMIT.**

3. Issue notice to the respondents, returnable after four weeks.

4. Call for the Records and Proceedings.

CIVIL APPLICATION NO. 947 OF 2024

Heard.

2. This is an application seeking amendment in the appeal.

3. The applicant seeks to add certain grounds in

support of the appeal. Since the notice has not been yet served on the respondent, the additional ground can be incorporated.

4. In view of that, the application is allowed. Amendment be carried out within a week, and thereafter, notice along with the amended plaint be issued to the respondent.

5. The application stands disposed of.

(MRS. VRUSHALI V. JOSHI, J.)

(VINAY JOSHI, J.)

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