

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 38841 OF 2025
IN
FAMILY COURT APPEAL NO. 167 OF 2008
WITH
INTERIM APPLICATION NO. 38842 OF 2025
IN
FAMILY COURT APPEAL NO. 168 OF 2008

Arnaz Suresh Deokar ...Applicant

Versus

Suresh Bhaskar Deokar ...Respondent

Ms. Aparna Shinde a/w. Ms. Deepika Vartak, Advocate for the
Applicant.

**CORAM: BHARATI DANGRE &
MANJUSHA DESHPANDE, JJ.**

DATED: 13 FEBRUARY 2026.

PC:-

1. This Application has been filed by the Applicant with a prayer to restore the Appeal dismissed *vide* order dated 23.07.2025 passed by the Registrar (Judicial-II) by condoning delay of 114 days. It is stated that an order came to be passed on 23.07.2023 by the Registrar (Judicial-II) since the Applicant had not taken steps for service of notice upon the sole unserved respondent. Therefore, an order came to be passed directing the advocate for the Appellant to take steps for service of notice upon unserved Respondent within two weeks, failing which the Appeal will stand dismissed. Since the advocate for the Appellant had not taken steps, the Appeal has been dismissed. It is stated that

in compliance of the order of the Registrar dated 23.07.2023 the Applicant has tracking the postal consignment, however, the tracking report has returned belatedly with remark, “unclaimed”. Therefore, the order passed by the Registrar could not be complied with. However, by then, the period of two weeks as stated in the order was already over, therefore, the matter came to be dismissed.

2. It is also stated that when the Applicant received the acknowledgment of notice and she has tried to file an affidavit of service, at that time she got the knowledge about the conditional order. Thereafter, she was out of station due to which there has been a delay of 114 days.

3. The delay of 114 days has been satisfactorily explained by the Applicant in the Application, which according to us is not intentional or deliberate. Hence, the delay of 114 days in filing the Application is condoned and the Family Court Appeal is restored to its original file.

The Interim Application is disposed of accordingly.

4. Issue notice to the sole Respondent about the restoration of Appeal, returnable on **13.03.2026**.

The learned advocate for the Applicant in addition to the Court notice undertakes to serve the Respondent by way of permissible private mode.

(MANJUSHA DESHPANDE, J.)

(BHARATI DANGRE, J.)