



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.18255 OF 2022
IN
FAMILY COURT APPEAL (L) NO.16459 OF 2022

Maitreyee ShenoyApplicant

IN THE MATTER BETWEEN

Maitreyee ShenoyAppellant

Versus

K.V. Shenoy ...Respondent

Ms Dhruti Kapadia, Advocate for the Appellant/Applicant.

*Mr. Girish Godbole, Sr. Advocate i/b. Ms Janhavi Dandekar
a/w. Mr. Aditya A. Joshi h/f. Ketki Gadkari, Advocates for
Respondent.*

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

DATE : DECEMBER 21, 2023

P. C.

1. The above Interim Application is filed seeking a condonation of delay of 28 years in filing the above Family Court Appeal.

2. The only explanation given for justifying the aforesaid delay is set out in Paragraphs 6 and 7 in the Interim Application. For the

sake of convenience, Paragraphs 6 and 7 are reproduced hereunder:-

"6. And also, that the grounds mentioned herein below would make out sufficient cause and thereby fall within the ambit of S.5 of the Limitation Act. Following are the grounds:

- a. *That the Appellant was in a complete state of trauma, stress and especially after the 24th July 1994 incidence of Decoity, Theft and the Respondent threatening to kill her.*
- b. *That the Appellant is a lady who was ignorant of the further legal course of action and her rights.*
- c. *That ever her Divorce lawyer had not educated her about the Maintenance subject rights and further course of action.*
- d. *That the Appellant has always been staying on rental premises since the Divorce decree and therefore was just surviving to meet both ends meet. In such a situation, the Appellant had only two things to think the slightest bit i.e. her survival and the daughter's life & her future.*
- e. *That the Appellant did not have money to appoint a lawyer for herself and file an appeal against the order of 1994.*
- f. *That also there was fear psychosis created in the mind of the Appellant the Respondent who threatened to kill her and her daughter.*
- g. *That after the 24th July 1994 episode of dacoity when the Appellant last saw the Respondent, he was completely*

undetectable and even the police who attempted to trace him failed miserably. That Mumbai Police also went to his residence in Chennai but were unable to locate him.

- h. That the Appellant finally could trace him after 27 long years on the Internet. He is currently in the United States serving as Director for a company. The Appellant has the screen shot of the same which can be produced at the time of hearing.*
- i. It is very clear there has been sheer injustice apportioned to the appellant with regards that order of 1994 which does not have any maintenance/alimony allocated, neither any share in the property to her or her daughter.*
- 7. That the delay has been due to just, sufficient, reasonable grounds and has not been deliberate or intentional. The delay may thus be condoned. Therefore, the delay condonation is prayed for accordingly.*

3. We find that this explanation is absolutely no explanation for condoning such a huge delay. This is apart from the fact that in May 2015 itself, the Appellant-Wife was very well aware of the whereabouts of the Respondent-Husband. This is clear from an email dated 11th May, 2015 written by the Appellant-Wife to the employer of the Respondent-Husband in the United States of America. The said e-mail is taken on record and marked 'X' for identification.

4. In these circumstances, we find that there is no sufficient cause made out for condoning such a huge delay. The Interim Application seeking condonation of delay is, therefore, dismissed.

5. Considering that the Interim Application is dismissed and we have not condoned the delay, consequently the above Family Court Appeal is also dismissed.

6. 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.]