

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY BENCH
AT AURANGABAD**

**CIVIL APPLICATION NO. 947 OF 2015
IN
CIVIL APPLICATION NO. 10009 OF 2014
IN
FAMILY COURT APPEAL NO. 13 OF 2012**

Dipti Pushpadant Sahuji .. Applicant

Versus

Pushpadant Vinod Sahuji .. Respondent

**WITH
CIVIL APPLICATION NO. 948 OF 2015
IN
CIVIL APPLICATION NO. 10010 OF 2014
IN
FAMILY COURT APPEAL NO. 12 OF 2012**

Dipti Pushpadant Sahuji .. Applicant

Versus

Pushpadant Vinod Sahuji .. Respondent

Shri Hemant Surve, Advocate for the Applicant in both matters.
Shri R. N. Dhorde, Senior Advocate i/by Shri V. R. Dhorde, Advocate
for the Respondent in both matters.

**CORAM : S. V. GANGAPURWALA AND
V. L. ACHLIYA, JJ.
DATE : 23RD JANUARY, 2015.**

PER COURT :

. The civil applications are filed for modification of the order dated 16th January, 2015 passed by this Court to the extent of

payment of cost of Rs. 25,000/- in each application within the stipulated period for restoration of appeals.

2. Mr. Surve, the learned counsel submits that, the financial condition of the applicant is precarious. The applicant does not have any independent source of income and gets paltry maintenance from the husband. The applicant may not be in a position to comply the said condition and in alternate the applicant be granted ten months period to pay the said amount. The learned counsel submits that, even the husband has not complied the order regarding payment of maintenance amount completely and there are arrears payable. The learned counsel in alternate further submits that, the said amount of cost be adjusted in the arrears of maintenance. The learned counsel further submits that, the applicant is ready to work out the matters on merits on any date as would be directed by this Court.

3. Mr. Dhorde, the learned senior counsel for the respondent opposes the applications.

4. The civil applications were placed before this Court on 16.01.2015, wherein the prayer was made to set aside the order of dismissal of appeals in default and to restore the appeals so as to give an opportunity to the applicant to contest the appeals on merits. While passing the order dated 16.01.2015, we had observed about the progress of the matters from time to time, conduct of the parties and the circumstances under which the Court was required to dismiss the appeals in default. Considering the fact that, the appeals revolve around the matrimonial rights of the applicant, we exercised our

discretion to restore the appeals on payment of cost. The said order was passed after hearing the learned counsel for respective parties and in presence of learned counsel for respective parties.

5. We do not find any reason to modify the said order. In the light of that, civil applications stand rejected. No costs.

[V. L. ACHLIYA, J.]

[S. V. GANGAPURWALA, J.]

bsb/Jan. 15