

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO. 120 OF 2015
IN
FAMILY COURT APPEAL NO.113 OF 2006**

Mrs. Ashwini Ashok Bhosale .. Applicant

v/s.

Ashok Narsingh Rao Bhosale ..Respondent

Mr. D.J. Dalal for the applicant

**CORAM: RANJIT MORE &
SMT. ANUJA PRABHUDESSAI, JJ.
DATED: 30th JULY, 2015.**

P.C.

1. Heard.

2. This application is taken out for restoration of the above Family Court Appeal No.113 of 2006. By order dated 24th April, 2015, notice was issued to the respondent and made returnable after six weeks. The applicant was also given liberty to serve the respondent by private service. The applicant has accordingly served the respondent by private service and filed affidavit of service. Despite, none appears on behalf of the respondent.

3. The above Family Court Appeal was dismissed by a common order dated 8th June, 2010 as the office objection that “advocate for the appellant has not filed appeal memo in substance form along with decree form” was not removed.

4. Learned Counsel for the applicant makes a statement that the office objection would be removed within a period of two weeks from today. Statement is accepted.

5. By this civil application, the applicant has explained the circumstances under which the said objections could not be removed and the delay occurred in filing the civil application is also explained. The averment made in the application are not controverted by the respondent either by contesting this application or filing an affidavit-in-reply. The averment made in the application, therefore, deemed to have been accepted.

6. In the above circumstances, the application is allowed in terms of prayer clause (a). The above Family Court Appeal No.113 of 2006 stands restored to the file.

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)