

FARAD CONTINUATION SHEET

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISDICTION
CIVIL APPLICATION NO.230 OF 2015
IN
FAMILY COURT APPEAL NO.215 OF 2013

Office Notes, Office
memorandum of Coram,
appearances, Court's
orders or directions &
Registrar's orders.

Court's or
Judge's orders.

Shri Shyam B. Rajbhar for the Applicant.
Shri A.A. Garge for the Respondent.

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CORAM : A.S. OKA & A.A.SAYED, JJ
DATED : 18TH AUGUST 2016

P.C.:

1. Heard learned counsel appearing for the Applicant and the learned counsel appearing for the Respondent.

2. The substantive Family Court Appeal preferred by the Applicant against the decree of divorce has been dismissed for non-prosecution under the order dated 25th November 2014. The learned counsel appearing for the Respondent opposed the Application by pointing out that even in the order

dated 25th November 2014, this Court has recorded the conduct of the Applicant of repeatedly remaining absent.

3. Though there is some merit in the submission made by the learned counsel appearing for the Respondent, we must note here that the substantive Appeal preferred by the Applicant is against the decree of divorce. Therefore, one opportunity deserves to be granted to the Applicant to prosecute the said Appeal.

4. Accordingly, the Application is allowed in terms of prayer clauses (a) and (b).

(A.A. SAYED, J)

(A.S.OKA, J)