

pmw

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION  
CIVIL APPLICATION NO.166 OF 2016  
IN  
FAMILY COURT APPEAL NO.67 OF 2014**

|                              |                |
|------------------------------|----------------|
| Shri Savio Carnvalis D'souza | ... Applicant  |
| Vs.                          |                |
| Mrs. Swati Savio D'souza     | ... Respondent |

Mr. Malhari Jagannath Bandgar for the Applicant.

**CORAM : A.S. OKA &  
A.A. SAYED, JJ.**

**DATE : 27<sup>th</sup> JUNE, 2016**

**PC.**

. **Not on board. Taken on board.**

. Heard the learned counsel appearing for the Applicant. Family Court Appeal preferred by the Applicant has been dismissed under the orders of the Registrar (Judicial -II) on the ground of failure of the Applicant to take steps for effecting service to the Respondent. Prayer clause (B) is for serving notice of the Appeal to the Respondent by Registered Post Acknowledgment Due as well as by Hamdast. Perusal of the office remark shows that the Bailiff found that both the Andheri and Bandra addresses are not correct. Therefore, prayer clause (B) directing service of notice by Hamdast as well as by RPAD cannot be

granted. However, with a view to give one more opportunity to the Applicant to take appropriate steps in accordance with law for effecting service, we propose to restore the Appeal. Accordingly, we pass the following order :-

ORDER

- (i) Application is allowed in terms of prayer clause (A) subject to condition of the applicant taking appropriate steps for effecting service to the Respondent within a period of one month from today. If appropriate steps are not taken within the stipulated time, Appeal shall stand dismissed for non-prosecution without further reference to the Court;
- (ii) Prayer clause (B) is rejected.

(A.A. SAYED, J )

(A.S. OKA, J )