

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.299 OF 2016
 IN
 FAMILY COURT APPEAL NO.37 OF 2013

Mrs.Sunita Mahendra Ranpisay	...	...Applicant
v/s.		
Mr.Mahendra Janardhan Ranpisay		...Respondent
	...	
Mr.Bhushan Walimbe i/b Mr.Rupesh K.Bobade for the Applicant.		
Mr.V.S.Tadake for the Respondent.		
	...	

CORAM : A.S.OKA &

A.A. SAYED, JJ.

DATED : 27 OCTOBER 2016

P.C.:

This is an application for restoration of the Family Court Appeal preferred by the Applicant-wife, which was dismissed in view of non-compliance with the conditional order dated 8 May 2014 passed by the Registrar (Judicial-2).

2. Learned Counsel appearing for the Respondent-husband seeks time to file a reply.

3. For the reasons, which we have set out, it is not necessary to grant time. We have perused the order dated 22 February 2013. By the said order, after hearing the Advocate for the Respondent-husband, the delay in

preferring Appeal was condoned and the Appeal was admitted. Only a formal order was not recorded on 22 February 2013 recording that the advocate for the Respondent-husband has waived service.

4. Registrar (Judicial-2) passed a conditional order granting time to the Applicant/wife to take steps for effecting service to the Respondent.

5. Hence, this is a fit case to restore the Family Court Appeal. Accordingly, the Application is allowed in terms of prayer clauses (a) and (b). We make it clear that as the Respondent-husband is represented by an Advocate, there will be no question of issuing a notice of final hearing of the Family Court Appeal. Place the Civil Application No.322 of 2012 on 30 November 2016.

(A.A. SAYED, J.)

(A.S.OKA, J.)