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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.229 OF 2016
IN
MISCELLANEOUS CIVIL APPLICATION NO.45 OF 2016

Shubhadra P. Yadav	...Applicant
V/s.	
Pravin H. Yadav	...Respondent

Ms.Anita Murgude for the Applicant.

None for the Respondent.

CORAM : R.D. DHANUKA, J.
DATE : 21ST DECEMBER, 2016.

P.C. :-

1. Learned counsel appearing for the applicant states that the respondent has been served with a copy of the civil application on 14th November, 2016. The statement is accepted. None appeared for the respondent when the matter was called out.
2. Learned counsel appearing for the applicant states that the affidavit of service could not be filed within the time prescribed and thus in view of the conditional order passed by this Court on 23rd June, 2016, the miscellaneous civil application came to be dismissed.
3. I have heard the learned counsel for the applicant and have perused the averments made in the civil application. It is the

case of the applicant that the respondent had not claimed service. The applicant has filed an affidavit of service before this Court. I am inclined to accept the explanation given by the applicant in the civil application.

4. The civil application is made absolute in terms of prayer clauses (a) and (b). Miscellaneous Civil Application No.45 of 2016 is restored to file. Learned counsel for the applicant states that the next date given by the learned Family Court, Bandra, Mumbai in Petition No.A-1983 of 2014 is 29th December, 2016.

5. Place Miscellaneous Civil Application No.45 of 2016 on board for hearing and final disposal on 18th January, 2017. The Family Court, Bandra, Mumbai will grant adjournment in Petition No.A-1983 of 2014 till 24th January, 2017.

6. The parties as well as Family Court, Bandra, Mumbai to act on the authenticated copy of this order.

7. The applicant is directed to convey this order to the respondent as well as to the learned Family Court, Bandra, Mumbai for compliance.

(R.D. DHANUKA, J.)