

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.352 OF 2015
AND
CIVIL APPLICATION NO.314 OF 2015
IN
FAMILY COURT APPEAL NO.8 OF 2015

Stanley Victor Pereira. .. Applicant

In the matter of :

Stanley Victor Pereira. .. Appellant

Vs

Milred Stanley Pereira. .. Respondent

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Shri Mahesh Vijay Rawool for the Applicant.

Shri R.T. Lalwani and Mrs. S.I. Jaikar (Lalwani) i/b Shri Prakash Mahadik for the Respondent.

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CORAM : A.S. OKA &
SMT.ANUJA PRABHUDESSAI, JJ
DATED : 1ST DECEMBER 2016

PC.

1. Perused the orders dated 30th October 2015 passed in Civil Application No.352 of 2015 as well as further order dated 5th December 2015 passed in the same Civil Application. On conjoint reading of both the orders, it is very clear that Civil Application No.352 of 2015 is still pending and this Court has set aside the order dated 27th August 2015 which is at Exhibit-A to Civil Application No.352 of 2015. The learned counsel appearing for the Applicant states that as far as the prayer for recall of the order dated 28th September 2015 is concerned, he is pressing only for recall of the order of dismissal of the Family Court Appeal as the entire arrears have been paid by the Applicant. The learned counsel appearing for the Respondent wife does not dispute that the entire arrears have been paid in terms of Clause 7 of the order dated 28th September 2015.

2. As far as Civil Application No.314 of 2015 is concerned, the prayer is again made in respect of the order dated 27th August 2015 which has been already recalled.

3. Hence, both the Civil Applications are disposed of by passing the following order:

ORDER :

- (a) Civil Application No.314 of 2015 does not survive in view of the order dated 30th October 2015 read with Clause 3 of the order dated 5th December 2015;
- (b) In view of the deposit of the arrears, the order of dismissal of the Family Court Appeal No.8 of 2015 is hereby recalled and the Family Court Appeal is restored. We, however, clarify that the order of rejection of prayer made in Civil Application No.8 of 2015 on 28th September 2015 in terms of Paragraph 6 is not disturbed.

(SMT.ANUJA PRABHUDESSAI, J)

(A.S. OKA, J)