

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD**

CIVIL APPLICATION NO. 13600 OF 2017
IN
FAMILY COURT APPEAL NO. 10 OF 2008

Vijendra Rajendra Rana

..Applicant

Versus

Sou. Priya w/o Vijendra Rana

..Respondent

Mr P.A. Kulkani, Advocate for applicant
Mr H.I. Pathan, Advocate for respondent

**CORAM : T.V. NALAWADE AND
A.M. DHAVAL, JJ**

DATE : 9th November 2017

PER COURT

1. The application is filed for recalling the order of dismissal of Family Court Appeal no.10 of 2008 made by this Court on 24.8.2017 due to absence of the appellant to prosecute the matter.

2. Notice. Notice is waived by learned Counsel Mr Pathan for respondent. Both the sides are heard.

3. Respondent is wife and residing at Chalisgaon, District Jalgaon. She must be spending on conveyance and for appointing Counsel. In the circumstances and for giving opportunity to husband to prosecute the matter on merits, this Court hold that the appeal needs to be restored. However, we take care of the interest of the wife and we make order for some amount for expenses for giving to respondent by way of payment of costs by the appellant.

4. As such, the order dated 24.8.2017 dismissing the matter is set aside. We restore the matter subject to payment of costs of Rs.5,000/- to the respondent-wife. The amount is to be deposited in this Court before 22nd November 2017. If the amount is not deposited within the stipulated period, it is to be presumed that the present matter will be dismissed. If the amount is deposited, the matter is to be listed for final hearing on 4th December 2017.

5. Civil Application is allowed accordingly.

(A.M. DHAVAL, J.)

(T.V. NALAWADE, J.)

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