

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO. 194 OF 2017
IN
FAMILY COURT APPEAL NO. 45 OF 2016**

Mrs.Akshata Harshad Khairmode	...	Applicant/Appellant
V/s.		
Mr.Harshad Anand Khairmode	...	Respondent

- Mr.Vijaykumar R. Garad for the Applicant/Appellant.
- None for the Respondent.

**CORAM : SMT. V.K. TAHILRAMANI &
DR. SHALINI PHANSALKAR-JOSHI, J.J.**

DATE : 11th AUGUST, 2017.

PER COURT :

- 1] Heard learned counsel for the Applicant/Appellant.
- 2] This is an application for restoration of Family Court Appeal No.45 of 2016. On 2nd August, 2016, the Registrar (Judicial-II) has passed an order that, “4 weeks time granted for taking steps as against unserved Respondents, failing which the Appeal/Civil Application shall stand dismissed, without reference to the Court”. As the necessary steps were not taken within four weeks, the matter came to be dismissed for default.

3] As stated earlier, the Applicant/Appellant is seeking restoration of the Family Court Appeal. There is delay of 331 days in preferring the Civil Application for restoration.

4] In view of the averments made in the application and in the interest of justice, we are inclined to condone the delay and restore Family Court Appeal No.45 of 2016 to file. Ordered accordingly.

5] The Application is allowed in above terms.

(DR. SHALINI PHANSALKAR-JOSHI, J.) (SMT. V.K. TAHILRAMANI, J.)