

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****CIVIL APPLICATION NO.444 OF 2014****IN****FAMILY COURT APPEAL NO.299 OF 2014**

Mrs. Vaishali Vishwanath Utagi ...Applicant
Versus

Mr. Vishwanath Sangappa Utagi ...Respondent

...

Mr. Surel S. Shah for the Applicant.
Mr. I.M. Khairdi for the Respondent.

**CORAM : A.S. OKA &
SMT. ANUJA PRABHUDESSAI, JJ.**

DATED : 6th JANUARY, 2017.

P. C. :

The learned counsel appearing for the Applicant, on instructions of the Applicant seeks permission to withdraw the Application with liberty to file a fresh Application for the same relief on the ground that the Application is not happily drafted. The learned counsel appearing for the Respondent pointed out that in the cause title of this Application as well as in the affidavit in support affirmed before the Trial Court, the occupation of the Applicant has been described as service.

2. Even if a fresh Application is filed by the Applicant, while

dealing with the fresh Application, the Court will have to consider what is mentioned in the cause title as well as in the affidavit.

3. Subject to what is observed above, the application is disposed of as withdrawn with liberty to file a fresh application for the same relief.

(ANUJA PRABHUDESSAI, J.)

(A.S. OKA, J.)