

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

CIVIL APPLICATION NO. 251 OF 2016
IN
FAMILY COURT APPEAL NO. 121 OF 2004

Smt. Madhavi Ramesh Dudhani ..Applicant
(Original petitioner)

IN THE MATTER BETWEEN

Smt. Madhavi Ramesh Dudhani ..Appellant
(Original petitioner)

v/s.

Ramesh K. Dudhani ..Respondent
(Original Respondent)

Mr. Prerak Chaudhary- with Miss Ramola Bhaumik i/b. Mr. Ashok
Dhanuka for the Applicant.
Mr. Vikram Pai for the Respondent.

**CORAM : A.S.OKA & ANUJA PRABHUDESSAI, JJ.
DATED : 18TH JANUARY, 2017**

P.C.

1. We find that the prayers made in this application are mis-
conceived, which cannot be sought by way of civil application in a
disposed of Family Court appeal. The learned Counsel appearing for

the applicant, seeks permission to withdraw the application on the ground that he wants to apply for execution of the decree passed in the appeal. He submits that necessary liberty may be granted.

2. Our attention is invited to the application dated 19th October, 2015 filed by the applicant in Execution Application No. 56 of 2015, as well as order passed thereon. On conjoint reading of the prayer made in the said application dated 19th October, 2015 and the order made on the said application which is reflected at Exhibit L, it is apparent that while permitting the applicant to withdraw the earlier execution application, a liberty has been already granted to file a fresh application. Hence, no such liberty needs to be granted by this Court.

3. Subject to what is observed above, the application is dismissed as withdrawn.

(ANUJA PRABHUDESSAI, J.)

(A.S.OKA, J.)