

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

**CIVIL APPLICATION NO. 862 OF 2018
IN
WRIT PETITION NO. 1323 OF 2017**

Subhash Ladu Varadkar ... Applicant

IN THE MATTER BETWEEN

Subhash Ladu Varadkar ... Petitioner

Versus

Supriya Subhash Varadkar ... Respondent

.....
Mr. P. C. Mohite for Applicant.

.....

CORAM : K. K. SONAWANE, J.

DATE : 16th JULY, 2018.

P. C.:

1. Heard learned Counsel for the Applicant. Perused the Application.

2. This Court under order dated 8th January, 2018, dismissed the writ petition for want of prosecution. Learned Counsel for applicant submits that, due to unavoidable circumstances, petitioner could not attend the proceeding. There was no intentional or deliberate default on the part of Petitioner. The

matter pertains to the dissolution of marriage under Section 13 of the Hindu Marriage Act, 1955.

3. In view of the submissions and the reasons mentioned in the application, there is no impediment to allow the application for substantial justice. Hence, civil application stands allowed in terms of prayer clause (a). The writ petition be restored to its original stage, subject to condition that applicant-petitioner shall deposit a sum of Rs.10,000/- towards maintenance in this Court within a period of one month from the date of this order. On failure to deposit the amount, writ petition shall stand dismissed automatically without further reference to this Court. Registry to take necessary steps in case the petitioner deposits the amount of Rs.10,000/- within the stipulated period. In case, the petition is restored at its original stage, liberty is granted to the Petitioner to move for ad-interim relief, if any.

(K. K. SONAWANE, J.)