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

CIVIL APPLICATION NO. 218 OF 2017
IN
FAMILY COURT APPEAL NO. 198 OF 2017

Seema Nishikant Mane ...Applicant
vs
Nishikant Vishwas Mane ...Respondent.

.....

Mr Kalpesh U. Patil for the Applicant.
Mr Mulchand Chettiwal h/f S.M.Kamble for the Respondent.

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**CORAM : K.K.TATED &
B.P.COLABAWALLA, JJ.
APRIL 25, 2018.**

P.C. :

Heard learned counsel for parties.

2 This application is preferred by the applicant-wife for stay of operation and implementation of the Judgment and Decree dated 23th May, 2017 passed by the Family Court, Kolhapur in Petition No.A/175/2015 by which the Trial Court granted divorce in favour of the respondent-husband.

3 It is the case of the applicant that she filed the present Family Court Appeal within limitation i.e. 9th August, 2017. He submits that as per Section 15 of the Hindu Marriage Act, 1955, once the appeal is filed then there is no question of remarriage by the respondent. He submits that in spite of that the respondent remarried on 16th September, 2017 and to that effect he has filed an affidavit-in-reply dated 24th February, 2018. He submits that in view of this fact the operation and implementation of the impugned Judgment and Decree dated 23rd May, 2017 passed by the Family Court, Kolhapur be stayed.

3 On the other hand, Mr Chettiwal learned advocate for the respondent-husband submits that in view of the subsequent development, the respondent's remarriage on 16th September, 2017, there is no question of staying the operation and implementation of the impugned Judgment and Decree passed by the Trial Court.

4 We have heard the learned counsel for both sides. It is to be noted that though the appeal filed in time, first time this Court issued notice to the respondent on 19th September, 2017

that is after the date of marriage of the respondent that is 16th September, 2017.

5 In view of this subsequent development, we do not find any reason to stay the operation and implementation of the impugned Judgment and Decree passed by the Family Court, Kolhapur. The Civil Application thus stands rejected. No costs.

(B.P.COLABAWALLA, J.)

(K.K.TATED, J.)