

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

**CIVIL APPLICATION NO.46 OF 2018
IN
FAMILY COURT APPEAL NO.90 OF 2010**

Nabanita Jena .. Applicant

V/s.

Prakash Kumar Pattanayak ... Respondent

Ms.Megha S. Bajoria i/b Mr.K.S.Patil for the Applicant

Ms.Jennifer Michael a/w Mr.Bhagwan Gawali i/b Mr.Pravin V. Kamble
for the Respondent

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

DATED : APRIL 24, 2018

P.C. :

1 Heard.

2 This Application is for recalling the order dated 19.01.2018 passed by this court by which Family Court Appeal No.90 of 2010 stands dismissed for non-prosecution.

3 Considering the submissions made by the learned counsel for the

Applicant, the averments made in the Application and as for fault of advocate, litigant should not suffer, we are satisfied that the Applicant has made out a case for allowing the present Civil Application. Hence, following order:

- a) Order dated 19.01.2018 passed by this court is recalled.
- b) Family Court Appeal No.90 of 200 is restored on file for hearing on its own merits.
- c) Civil application stands disposed of with cost.

(B. P. COLABAWALLA, J.)

(K.K. TATED, J.)