

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.116/2018
IN
FAMILY COURT APPEAL NO.148/2014

Rajendra Damodar Kute

... Applicant

V/s.

Smita w/o. Rajendra Kute

... Respondent

Mr. Ameya Deshpande for the Applicant

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

DATED : APRIL 27, 2018

PC. :

1 Heard. The learned counsel for the Applicant filed Affidavit of service dated 24.04.2018. In spite of service, none appeared for the Respondent.

2 This Application is for restoration of the Family Court Appeal which stood dismissed for non prosecution by order dated 28.02.2018 passed by this court.

3 Considering the submissions made by the learned counsel for the Applicant and the averments made in the Application, we are satisfied that the Applicant has made out a case for allowing the present Civil Application.

4 Hence, the following order:

- a) Order dated 28.02.2018 passed by this court is recalled.
- b) Family Court Appeal is restored to file.
- c) The Applicant is directed to serve a copy of this order on the Respondent by way of private notice either by RPAD and/or by hand delivery and to file an Affidavit of service to that effect within four weeks from today.
- d) Order dated 13.11.2014 passed in Civil Application No.317/2013 to continue.
- e) Civil application stands disposed off accordingly.

(B. P. COLABAWALLA, J.)

(K.K. TATED, J.)