

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

**CIVIL APPLICATION NO. 322 OF 2018
IN
FAMILY COURT APPEAL NO. 107 OF 2012**

Mrs. Geeta C. Shrikhande ... Applicant.

V/s.

Chandrashekhar Mukund Shrikhande ... Respondent.

Mr. Vinayak Salokhe, Advocate I/by Shri D. B.Savant, for the Applicant.

None for the Respondent.

CORAM : K.K. TATED & N.J. JAMADAR,JJ.

DATE : DECEMBER 18, 2018.

PC :

1 Heard the learned Advocate for the Applicant.

2 Though the Respondent is duly served, no one appears on behalf of him, when the matter is called out.

3 By this civil application, the Applicant is seeking restoration of the family court appeal no. 107 of 2012 to file, which was dismissed in view of the conditional order dated 24.01.2017, for non-filing of the private paper book within time.

4 Learned counsel for the applicant submits that it remained on the part of the Advocate to take appropriate steps for filing the private paper book within stipulated time. He

submits that the applicant undertakes to file private paper book within 8 weeks from today. The same is accepted.

5 Considering the submissions made by the learned counsel for the Applicant and the averments made in the civil application and that the applicant is ready and willing to file private paper book within 8 weeks from today, we are satisfied that the appellant has made out a case for following order :

- i. The Civil Application is allowed.
- ii. The Family Court Appeal No. 107 of 2012 is restored to file for hearing on its own merits.
- iii. Time to file private paper book as per the order dated 24.01.2017 is extended till 28.02.2019.
- iv. If the paper book is not filed within stipulated time, as stated hereinabove, the civil application shall stand dismissed without referring back to the court.
- v. Civil application stands disposed of accordingly.

(N.J. JAMADAR, J.)

(K. K. TATED, J.)

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