

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

**CIVIL APPLICATION NO.342 OF 2018
IN
FAMILY COURT APPEAL NO.36 OF 2009
WITH
FAMILY COURT APPEAL NO.36 OF 2009**

Sunil Yeshwant Vaishampayan .. Applicant

V/s.

Madhuri Sunil Vaishampayan .. Respondent

Mr.U.S.Upadhyay I/b Mr.S.N.Chandrachood for the applicant

Mr.S.R.Ganbavale for the respondent

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

DATED : DECEMBER 17, 2018

P.C. :

1 Heard the learned counsel for the parties.

2 Advocate for the Applicant Mr.U.S.Upadhyay submits that by this Civil Application, they are seeking restoration of Family Court Appeal No.36 of 2009 which stands dismissed for want of prosecution by order dated 07.06.2018.

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. Hence, following order:

- a) Order dated 07.06.2018 passed by this court is recalled.
- b) Family Court Appeal No.36 of 2009 is restored on file for hearing on its own merits.
- c) Registry is directed to place Family Court Appeal No.36 of 2009 in weekly board for final hearing in the week commencing from 07.01.2019.
- d) Civil application stands disposed off accordingly.

(N. J. JAMADAR, J)

(K.K. TATED, J.)