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

CIVIL APPLICATION NO. 197 OF 2018
IN
FAMILY COURT APPEAL NO. 82 OF 2017

Kirtish Theathare ...Applicant/Appellant
vs
Leena Kirtish Theathare ...Respondent.

.....
Mr S.S.Karmarkar for the Applicant-Appellant.
Mr Ganesh Savani with Ms S. Deb for the Respondent.
.....

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**CORAM : K.K.TATED, &
B.P.COLABAWALLA, JJ.
JULY 30, 2018.**

P.C. :

Heard learned counsel for parties.

2 By this application, the applicant is seeking recalling of the order dated 12th April, 2018 and restore Family Court Appeal No. 82 of 2017 which stand dismissed for non-prosecution.

3 Considering the submissions made by the learned counsel for the applicant and the reasons disclosed in the Civil Application, we are satisfied that the applicant has made out a case to allow the Civil Application subject to payment of costs of Rs.2000/-. Hence, the order.

- (a) The order dated 12th April, 2018 passed by this Court in Family Court Appeal No. 82 of 2017 is recalled;
- (b) Family Court Appeal No. 82 of 2017 is restored to file and which shall be decided on its own merits;
- (c) The applicant to pay costs of Rs.2000/-. The costs to be deposited in Kirtikar Law Library, Bombay on or before 24th August, 2018 and place on record receipt to that effect failing which the Civil Application shall stand dismissed without further reference to the Court;
- (d) The Civil Application stands disposed of accordingly.

(B.P.COLABAWALLA, J.)

(K.K.TATED, J.)