

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

**CIVIL APPLICATION NO.353 OF 2018
IN
FAMILY COURT APPEAL NO.168 OF 2016**

Bhavna Nikhil Kansara .. Applicant

V/s.

Nikhil Dhansukhlal Kansara .. Respondent

Mr.Mahesh Thorat for the applicant
Ms.Deepa Ganjoo 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 Ms.Deepa Ganjoo for the Respondent submits that after dismissal of Family Court Appeal by order dated 07.06.2018, she does not have any instruction in the present proceedings. Therefore, it is not possible for her to appear on behalf of Respondent in the present Civil Application.

3 Statement is accepted.

4 By this Applicant, Applicant is seeking to recall the order dated 07.06.2018 passed by this court by which Family Court

Appeal No.168 of 2016 as well as Civil Application No.268 of 2016 stands dismissed for want of prosecution.

5 The learned counsel for the Applicant submits that they have already filed praecipe dated 04.12.2018 in the Registry stating that copy of Civil Application is served on Respondent by way of email and registered post A/D.

6 Statement is accepted.

7 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.168 of 2016 with Civil Application No.268 of 2016 is placed on board for hearing on its own merits.
- c) Advocate for the Applicant is directed to inform the other side in writing either by registered post A/D and or by courier along with copy of this order and file affidavit of service to that effect.
- d) Civil application stands disposed off accordingly.

(N. J. JAMADAR, J)

(K.K. TATED, J.)