

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

**CIVIL APPLICATION NO. 236 OF 2018  
IN  
(RC NO. 896 OF 2018)  
IN  
FAMILY COURT APPEAL (ST) NO. 26699 OF 2017**

Mrs. Aparna Makarand Nashikkar & Ors. ... Applicants.

V/s.

Mr. Makarand C. Nashikkar & Anr. ... Respondents.

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Mr. P.G. Chavan, Advocate i/by Y. Apte, for the Applicants.

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

**DATE : DECEMBER 11, 2018.**

**PC :**

1            Heard the learned counsel for the Applicants.

2            By this civil application, the applicant is seeking to set aside the order dated 08.03.2018 passed by the learned Registrar (Judicial-II), by which the family court appeal stood dismissed for non-removal of office objections. There is delay on the part of the applicant to file civil application for restoration.

3            Considering the submissions made by the learned counsel for the applicants and the averments made in the civil application and as the applicants are ready and willing to pay costs of Rs. 5,000/-, we are satisfied that the applicants made a

case for allowing the civil application. Hence, the following order :

- i. Order dated 08.03.2018 passed by the learned Registrar (Judicial-II) is set aside.
- ii. Family Court Appeal (ST) No. 26699 of 2017 is restored to file for hearing on its own merits.
- iii. The applicants to remove all office objections on or before 19.01.2019; failing which the civil application shall stand dismissed without referring back to the court.
- iv. The applicants to pay costs of Rs. 5000/-.
- v. Cost to be deposited in the Kirtikar Law Library and file receipt to that effect or on before 06.01.2019; failing which the civil application shall stand dismissed without referring back to the court.
- vi. Civil applications stands disposed of.

(N.J. JAMADAR, J.)

(K. K. TATED, J.)

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