

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

**CIVIL APPLICATION NO. 323 OF 2018
IN
REJECTED CASE NO. 1379 OF 2018**

Shri Laxman @ Rajesh T. Yamgavali ... Applicant.

In the matter between :
Shri Laxman @ Rajesh T. Yamgavali ... Appellant.
(Org.Petitioner)

V/s.
Sou. Ashwini Laxman @ Rajesh Yamgavali ... Respondent.

Mr. S. S. Inamdar, Advocate, for the Applicant.
None for the Respondent.

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

DATE : DECEMBER 07, 2018.

PC :

1 Heard learned counsel for the Applicant.

2 By this civil application, the applicant is seeking to set aside the conditional order dated 22.06.2018 passed by the Registrar (Judicial-II); by which the family court appeal stood dismissed for non-removal of the office objections.

3 Learned counsel for the applicant submits that due to inadvertence on his part, it remains to take appropriate steps to remove office objections. He undertakes to remove office objections on or before 21.12.2018.

4 Considering the submissions made by the learned counsel, the averments made in the civil application and as the applicant undertakes to remove all office objections on or before 21.12.2018, we are satisfied that the applicant has made out a case for following order :

- i. The conditional order dated 22.06.2018 passed by the Registrar (Judicial -II) is set aside.
- ii. Family Court Appeal St. No. 3653 of 2018 is restored to file.
- iii. The Applicant to remove all office objections in Family Court Appeal St. No. 3653 of 2018 on or before 21.12.2018; failing which the appeal shall stand dismissed without referring back to court.
- iv. If all the office objections are removed within the stipulated time, as stated above, the Applicant is directed to serve the Respondent by private notice alongwith the entire proceedings either by RPAD or by hand delivery and file affidavit to that effect on or before 25.01.2019.
- v. If the affidavit of service is filed, the Family Court Appeal to appear on board on 04.02.2019 under caption “for direction”
- vi. Civil Application stands disposed of accordingly.

(N.J. JAMADAR, J.)

(K. K. TATED, J.)