

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

**CIVIL APPLICATION NO. 319 OF 2017
IN
MISC. CIVIL APPLICATION NO. 41 OF 2017**

Smt. Bharati Dasharath Merthar
alias Bharati Prasad Prabhu ...Applicant

IN THE MATTER OF

Smt. Bharati Prasad Prabhu ...Applicant

Versus

Prasad Prakash Prabhu ...Respondent

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Mr. Mayuresh D. Modgi for the Applicant.

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**CORAM: MRS.MRIDULA BHATKAR, J.
DATED: APRIL 11, 2018**

P.C. :

1. This Civil Application is moved for restoration of Miscellaneous Civil Application No. 41 of 2017, which was dismissed for default by order dated 28th September, 2017 passed by this Court.

2. Pursuant to the order dated 8th December, 2017 passed by

this Court, the learned Counsel for the applicant has served the respondent. Affidavit of service is filed.

3. The learned Counsel for the applicant submits that he has placed the order dated 8th December, 2017 passed by this Court before the Trial Court. He prays that the order dated 28th September, 2017 be recalled and Misc. Civil Application be restored.

4. In view of the above, the order dated 28th September, 2017 passed by this Court is hereby recalled. Misc. Civil Application is restored to its original file along with interim order.

5. Civil Application is allowed and is accordingly disposed of.

6. Place Misc. Civil Application No. 41 of 2017 on board on 20th June, 2018.

(MRIDULA BHATKAR, J.)