

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.125/2018
IN
CIVIL APPLICATION (ST) NO.12819/2016
IN
CIVIL APPLICATION NO.380/2014
IN
FAMILY COURT APPEAL (ST) NO.26959/2014
(REJECTED CASE NO.1501/2016)

Swati Prakash Shejwal

... Applicant

V/s.

Prakash Arjun Shejwal

... Respondent

Mrs. Ameeta Kuttikrishnan for the Applicant

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

DATED : NOVEMBER 22, 2018

P.C. :

1 Heard. The learned counsel for the Applicant submits that the Respondent is duly served. She submits that an Affidavit of service has already been filed to that effect. The statement is accepted.

2 By this Civil Application, the Applicant seeks restoration of the Civil Application (ST) No.12819/2016 which stood dismissed in view of the conditional order dated 08.02.2017 passed by the learned Registrar (Judicial-II) and also for condonation of delay.

3 The learned counsel for the Applicant submits that as per order dated 08.02.2017, the Respondents are duly served in Civil Application (ST) No.12819/2016. She has filed an Affidavit of service to that effect. She submits that there was delay on their part to comply with the order dated 08.02.2017. She submits that in the interest of justice, this Hon'ble Court be pleased to set aside the order dated 08.02.2017 and restore the Civil Application (ST) No.12819/2016 on file for hearing on merits.

4 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.

5 Hence, the following order:

- a) Order dated 08.02.2017 passed by the learned Registrar (Judicial-II) in Civil Application (ST) No.12819/2016 is set aside.
- b) Civil Application (ST) No.12819/2016 is restored to file for hearing on merits.
- c) Civil application stands disposed off accordingly.

(N. J. JAMADAR, J.)

(K. K. TATED, J.)