

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.201 OF 2019
IN
FAMILY COURT APPEAL NO.9 OF 2010**

Manish Suryakant Trivedi	...	Applicant
versus		
Unnati Manish Trivedi	...	Respondent

Mr. Sean Wassoodew, for Applicant.
Ms. Pooja Khandeparkar, for Respondent.

**CORAM: AKIL KURESHI &
S.J. KATHAWALLA, JJ.**

DATE: 6th SEPTEMBER, 2019

P.C.:

1. This Civil Application is taken out by the Applicant-husband for restoration of the Family Court Appeal after condoning the delay caused in filing the Civil Application. Family Court Appeal No.9 of 2010 is already admitted on 18th June, 2010. Additional paper book had to be supplied by the Appellant, which was not done. Family Court Appeal therefore, stood dismissed.

2. In larger interest of justice, we are inclined to restore the Family Court Appeal. We are conscious that there is a considerable delay in filing the restoration application. However, on the Applicant paying cost of Rs.10,000/- to the Respondent-wife, such delay is condoned, Family Court Appeal is restored to file. R & P be

called for from the Family Court concerned. In that view of the matter, there would be no requirement for providing additional paper book. The Civil Application is disposed of.

3. Before closing we may record that on the additional affidavit filed by the Applicant-husband contending that he has cleared the entire arrears of interim maintenance, we have expressed no opinion. It would be open for the Respondent-wife to take out appropriate proceedings if in her opinion, the husband has not cleared such arrears.

(S.J.KATHAWALLA, J.)

(AKIL KURESHI, J.)