

R.M. AMBERKAR
(Private Secretary)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FAMILY COURT APPEAL NO. 4 OF 2019

Kanchanapalli Praveen Rao .. Appellant

Versus

Kanchanapalli Paulami Rao .. Respondent

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- Mr. M.V. Thorat for the Appellant
 - Mr. Fauzan Shaikh for the Respondent
 - Ms. Kanchanapalli Paulami Rao, Respondent-in-Person present.
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CORAM : AKIL KURESHI &
S.J. KATHAWALLA, JJ.

DATE : JUNE 14, 2019.

P.C.:

1. This appeal is directed against the order dated 11.6.2018 passed below Exhibit 6 in Petition No. F-2260 of 2017 passed by the Family Court, Bandra. The appellant - husband and respondent - wife had applied for dissolution of marriage by mutual consent, however, the respondent - wife has not remained present before the Family Court in support of her stand. The Family Court did not accept the husband's request for granting dissolution exparte and dismissed the petition. Thereupon this appeal has been filed.

2. Learned counsel for the appellant - husband submitted that pending this appeal, the respondent - wife has also appeared and agreed to pursue the divorce petition on mutual consent. The respondent - wife is present before the Court along with her Advocate Mr. Fauzan Shaikh. He states that the wife would also support the petition for dissolution of marriage by mutual consent.

3. Under these circumstances, the impugned order dated 11.6.2018 passed by the Family Court, Bandra, Mumbai is set aside. The proceedings are restored to file before the Family Court.

4. In peculiar facts of the case noted above, there would be no longer question of waiting for reconciliation period of six months after revival of the proceedings since in any case, such period is long over after institution of the proceedings before the Family Court. The Family Court shall proceed on the basis of these changed circumstances and pass final judgment within four weeks from the date of receipt of the copy of this order.

5. Both the parties shall remain present before the Family Court on the date that may be communicated for such purpose.

6. The Family Court Appeal is disposed of.

[S.J. KATHAWALLA, J.]

[AKIL KURESHI, J]