

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CIVIL APPLICATION (CAO) NO. 1230 OF 2016
IN FAMILY COURT APPEAL NO. 7 OF 2014

(Premkumar s/o Anandswaroop Malik vs. Mrs. Lata @ Hemlata w/o Premkumar Malik)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's Orders.

Court's or Judge's orders.

**CORAM : SUNIL B. SHUKRE &
PUSHPA V. GANEDIWALA, JJ.
MARCH 18, 2019.**

Heard Mrs. S.P. Deshpande, learned counsel for the applicant/ original respondent. Nobody is present for the original appellant, though duly served by paper publication.

The appeal filed by the appellant was dismissed for want of prosecution on 07.07.2015. In that appeal, the original appellant had deposited an amount of Rs.42,000/- (Rs. Forty two thousand only) towards maintenance. After the dismissal of appeal, nothing having been brought to the notice of this Court by the original appellant regarding any interim relief granted by the superior court, we do not think that the application of this nature could be kept pending or even rejected.

As the appellant has not filed any reply to this application and has also chosen to remain absent before this Court would be something which would only support the conclusion already made by us that the application deserves to be allowed.

Civil Application is allowed. The amount of Rs.42,000/- (Rs. Forty two thousand only) deposited by the original appellant in this court be allowed to be withdrawn by the applicant/ original respondent, with accrued interest thereon, if any. Civil Application is disposed of accordingly. No order as to costs.

JUDGE

JUDGE

*GS.