

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

MISC. CIVIL APPLICATION NO.450 OF 2019

IN

FAMILY COURT APPEAL NO.312 OF 2014

[Sudhakar s/o Kisan Gaikwad .vs. Smt. Jyotsna w/o Sudhakar Gaikwad]

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

Court's or Judge's orders

Shri D.M. Kale, Advocate for the applicant-appellant,
Shri M.B. Agasti, Advocate for the respondent.

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CORAM : A.S. CHANDURKAR AND
N.B. SURYAWANSHI, JJ.

DATED : 18.12.2020.

This is an application filed by the applicant-appellant seeking restoration of appeal which was dismissed for default on 26.09.2018. The reason given is since the counsel for the appellant was busy in other court, he could not reach when the matter was called out.

The respondent has filed reply to the restoration application and the restoration is strongly opposed by the learned advocate for the respondent stating that no case is made out for restoration. The maintenance order is challenged in the family court appeal and the appellant is not paying the maintenance regularly and on that count the restoration should not be permitted.

Considering the reason given in the application, the misc. civil application is allowed. The

order dated 26.09.2018 is recalled, subject to the condition that the appellant pays Rs.2,000/- to the respondent, within a period of three weeks from today.

Misc. Civil Application stands disposed of.

JUDGE

JUDGE