

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 16789 OF 2022
IN
FAMILY COURT APPEAL NO. 35 OF 2021

Jyoti Rahul Kodre.

...Applicant.

Versus

Rahul Ramkrishna Kodre.

..Respondent.

Mr. Gaurav Jangle a/w K. D. Nerkar, Atharv Sane and Rohan Jagtap for
the Applicant.

Mr. Aswhin Pimplae h/f Mr. Rameshwar Gite for the Respondent.

CORAM : NITIN JAMDAR &
SHARMILA U. DESHUMKH, JJ.

DATE : 16 November 2022.

P.C. :

This interim application is taken out for restoration of the family court appeal and interim application, which were dismissed for default. Learned counsel for the Appellant / Applicant tenders apology for not remaining present when the appeal and application were called out.

2. We have perused the application. Though the reason given in the application is that the advocate was unaware of the listing of appeal and application, the same cannot be accepted as this Court has extended various electronic facilities to the advocates and the parties to keep track

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of the matters. Since the unconditional apology is tendered, that out of indulgence, we recall the order dismissing the appeal and application for default and restore the same to the file. This however is subject to two conditions; that the Appellant- wife will pay the cost of Rs.1,000/- (Rs. One thousand only) to the Appellant within a period of two weeks from today, and upon undertaking by the advocate for the Appellant that he will remain present whenever the appeal is called out on the next date.

3. We are informed that the Respondent – husband has not remarried.

(SHARMILA U. DESHMUKH, J.)

(NITIN JAMDAR, J.)