

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

FAMILY COURT APPEAL NO.28 OF 2020

Kirti Vivek MogheAppellant

V/s.

Vivek Vasudeo MogheRespondent

Mr. Jai Vaidya for appellant.

Ms. Devayani Bhavé a/w. Ms. Asha More i/b. Bhavé and Co. for respondent.

**CORAM : K.R. SHRIRAM &
PRITHVIRAJ K. CHAVAN, JJ.**

DATED : 8th JUNE 2022

P.C.:

1 This appeal has been filed impugning an ex-parte order passed by the Family Court. The counsel for appellant stated that an application under Order 9 Rule 13 of the CPC to recall the ex-parte order is also pending before the Family Court. On the suggestion made by this Court, counsel for respondent agreed that the Family Court may be directed to consider the application of appellant to recall the ex-parte decree granted on merits and in accordance with law.

2 In the circumstances, the appeal is dismissed as withdrawn. All rights and contentions of both the parties are kept open.

3 The Family Court is directed to consider the application of appellant under Order 9 Rule 13 of the CPC in accordance with law. The Family Court is also directed to dispose the application as early as possible and preferably within eight weeks from today.

4 We clarify that we have not made any observation on the merits of the matter.

(PRITHVIRAJ K. CHAVAN, J.)

(K.R. SHRIRAM, J.)