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

**INTERIM APPLICATION NO. 965 OF 2023
IN
FAMILY COURT APPEAL NO. 52 OF 2010**

Vishnuprasad L. Agarwal

.. Applicant

Versus

Reena V. Agarwal

.. Respondent

Mr. Sarthak Utangale i/b. Utangale & Co. *for the Applicant.*

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**CORAM : B. P. COLABAWALLA &
M. M. SATHAYE, JJ.
DATE : OCTOBER 26, 2023**

P. C.

1. The above Interim Application is filed seeking restoration of the above Family Court Appeal which was dismissed by order dated 10th June, 2022.

2. The above Interim Application has been served on the Respondent-wife as evidenced by the affidavit of service dated 26th October, 2023 and which is tendered to the Court today. Despite being served, the Respondent-wife has chosen not to appear. In fact, the above Interim Application was also ought to be served on the Advocate appearing for the Respondent-wife who has filed her Vakalatnama in

the above Family Court Appeal. She, however, refused the service on the ground that she is no longer appearing for the Respondent-wife.

3. We have heard the learned Advocate appearing for the Applicant. We have perused the above Interim Application and for reasons stated therein, we are satisfied that the delay in filing the above Interim Application deserves to be condoned.

4. In these circumstances, the above Interim Application is allowed in terms of prayer clauses (a) and (b) which read thus:-

“(a) The Hon’ble Court be pleased to recall the order dated 10 June 2022 and restore the Family Court Appeal to its original file and hear the same on its own merits.

“(b) The Hon’ble Court be pleased to condone the delay, of 204 days occurred in filing of this present Interim Application.”

5. The above Interim Application is accordingly disposed of. No order as to costs.

6. This order will be digitally signed by the Private Secretary/ Personal Assistant of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.

[M. M. SATHAYE, J.]

[B. P. COLABAWALLA, J.]

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