

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

MISCELLANEOUS CIVIL APPLICATION NO.167 OF 2021

SUPRIYA YOGESH KOKARE)...APPLICANT

V/s.

YOGESH MAHADEV KOKARE)...RESPONDENT

Mr.Somnath Thengil i/by Mr. P. P. Kulkarni, Advocates for the Applicant.
None for the Respondent.

CORAM : ABHAY AHUJA, J.
DATE : 1st DECEMBER, 2023.

PC. :

1. On 13th October, 2023 the following order was passed :-

“1. This matter was kept back in the morning session as none appeared for the Applicant. When this matter is called out in the afternoon session, Mr. Thengal, appears for the Applicant and reiterates that the underlying Divorce Petition filed by the Respondent- husband has been dismissed for want of prosecution, but now the Application for restoration of the same has been filed. Learned Counsel would submit that this Application be adjourned for some time, submitting that if the restoration application is dismissed, he has instructions to withdraw the Application. At his request, list on 1st December, 2023.

2. Liberty to apply.”

2. Today when the matter is called out, Mr. Somnath Thengil appears for the Applicant and submits that restoration application filed before Court

of Civil Judge Senior Division, Ichalkaranji has been listed on 11th December, 2023 and this matter be appropriately adjourned.

3. Mr. Thengil has earlier informed this Court that the underlying divorce petition that was filed by the Respondent-husband has been dismissed for want of prosecution. This matter was adjourned at his request as to enable the Applicant to withdraw this application. However, it appears that the Applicant wants to keep this application pending even though the underlying divorce petition has been dismissed for want of prosecution. That certainly cannot be permitted.

4. Accordingly, this Application stands disposed as infructuous.

(ABHAY AHUJA, J.)