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

**INTERIM APPLICATION NO.16896 OF 2023
IN
WRIT PETITION NO.12243 OF 2022**

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Sarfaraz Liyakat Mukadam & Ors. ... Applicants.
V/s.
Naznin Alias Nazneed
Sarfaraz Mukadam ... Respondent

Mr. S.C. Mangle for the applicants.

Mr. Ameya S. Tamhane for the respondent/original
petitioner.

CORAM : AMIT BORKAR, J.

DATED : NOVEMBER 1, 2023

P.C.:

1. This Court by order dated 25 September 2023 condoned delay in filing appeal against the decree for divorce. Delay was condoned subject to payment of Rs.10,000/- within four weeks. The applicant by letter sent cheque dated 20 October 2023 in the amount of Rs.10,000/-

2. The opponent on 25 October 2023 refused to accept the amount of costs. On 27 October 2023 the respondent filed an application for dismissal of appeal on the ground of non-compliance with order dated 25 September 2023.

3. Since the respondent on 25 October 2023 refused to accept

the amount of costs and on 27 October 2023 filed application for dismissal of the appeal on the ground of non-payment of costs, order dated 25 September 2023 directing petitioner to deposit Rs.10,000/- as costs is recalled.

4. The interim application is allowed in above terms.
5. It is made clear that the delay stands condoned without payment of costs.

(AMIT BORKAR, J.)