

Harish

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.10173 OF 2022

IN

WRIT PETITION NO.9944 OF 2016

Kiran Prabhakar Shetty

...Applicant

Versus

Deepa Kiran Shetty Nee

Deepa Sudhakar Shetty & Ors.

...Respondents

Adv. Indrayani Koparkar for the Applicant.

Adv. Yogita Deshmukh Chitnis for Respondent No. 1.

CORAM : SHARMILA U. DESHMUKH, J.

DATE : FEBRUARY 13, 2024

P. C. :

1. Interim Application has been preferred seeking recall of the order dated 21st April, 2022 dismissing the Petition for non prosecution and for condonation of delay of 20 days caused in filing the Interim Application.

2. Learned counsel for the Applicant submits that inadvertently, the Advocate for the Petitioner could not remain present when the matter was called out and as such, the same came to be dismissed by order dated 21st April, 2022.

3. Learned counsel for the Respondent opposes the Application and

submits that last chance was given to the Petitioner by order dated 17th November, 2022 which has not been availed by the Petitioner. She further submits that no steps were taken in circulating the Interim application and as such no indulgence ought to be shown.

4. Considered the Application as well as the various orders passed from time to time in the Petition.

5. For the reason stated in the Interim Application, the delay of 20 days caused in filing the Application is condoned.

6. Order dated 21st April, 2022 is recalled subject to payment of cost of Rs. 10,000/- to be paid by the Petitioner to the Respondent wife within a period of one week from today.

7. List the Petition on **27th February, 2024**.

(SHARMILA U. DESHMUKH, J.)