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

**INTERIM APPLICATION NO. 1337 OF 2024
IN
FAMILY COURT APPEAL NO. 107 OF 2019**

Shevant Yashwant Kamble .. Applicant/Appellant

Versus

Madhumathi Shevant Kamble .. Respondent

**Adv. Saurabh Godbole i/b. Sahil Mahajan for the
Appellant/Applicant.**

Adv. Kshitija Sarangi for the Respondent.

**CORAM: B. P. COLABAWALLA &
SOMASEKHAR SUNDARESAN, JJ.
DATE: MAY 03, 2024**

P. C.

1. The above Interim Application is filed seeking a condonation of delay of 365 days to recall the order dated 21st December, 2022 passed by this Court. By the said order, the Appeal was dismissed by this Court for non prosecution. When the above matter had come up on 8th March, 2024, the learned Advocate appearing for the Respondent-wife had pointed out to us that an amount of Rs. 8,15,000/- was due and payable by the Appellant towards the arrears of maintenance.

2. Faced with the situation, the learned Counsel appearing for the Applicant-husband, on taking instructions over the telephone, submitted that this amount will be paid in the following manner:

(a) Rs. 3,00,000/- will be paid on or before 12th March, 2024; and

(b) The remaining amount of Rs. 5,15,000/- will be paid on or before 3rd May, 2024.

3. Today when the matter is called out, we are informed that the sum of Rs. 3 Lakhs has been paid within the time stipulated. As far as the remaining amount is concerned, namely, the amount of Rs. 5,15,000/-, the learned Counsel appearing for the Applicant husband has tendered a cheque of Rs. 5,15,000/- in the name of Respondent-wife. The Respondent-wife shall encash the aforesaid cheque. After the aforesaid cheque is cleared, we will then hear this Interim Application for condonation of delay on 14th June, 2024.

4. It is needless to clarify that if the cheque is dishonored, the above Interim Application seeking restoration of the above Appeal shall stand dismissed without further reference to the Court.

5. Stand over to 14th June, 2024.

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.

[SOMASEKHAR SUNDARESAN, J.]

[B. P. COLABAWALLA, J.]