

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(s).10769___ OF 2010
(arising out of S.L.P.(C)No.29849 of 2010)

RATI MANISH BORADE ...Appellant(s)

VERSUS

MANISH RAMESH BORADE ...Respondent(s)

O R D E R

Leave granted.

On 8.11.2010, this Court had directed the parties to appear before the Mediation Centre of the Supreme Court.

The report of the Mediation Centre shows that the parties have failed to resolve their dispute.

We have heard learned counsel for the parties and perused the record. In our view, the Family Court was not justified in dismissing the application filed by the appellant for recall of judgment and decree dated 3.3.2010. The High Court also adopted hyper-technical approach while dealing with the appeal preferred by the appellant ignoring the fact that the appellant herein had filed written statement much before the passing of ex parte decree. In our view, it will be in the

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interest of justice to give one opportunity to the appellant to contest the petition filed by the respondent on merits.

The appeal is accordingly allowed and the impugned judgment is set aside. The judgment and decree dated 3.3.2010 passed by the Family Court are also set aside and the matter is remitted to the said Court for deciding the petition filed by the respondent afresh. The appellant shall file written statement within a period of one month from today. The respondent may file replication within next two weeks.

The Family Court shall make an endeavour to dispose of the petition filed by the respondent as early as possible

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respondent may file replication within next two weeks.

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The Family Court shall make an endeavour to
dispose of the petition filed by the respondent as
early as possible but latest within six months from the
date of receipt/production of the copy of this order.

(A.D. Sharma)
Court Master

(Phoolan Wati Arora)
Court Master

(Signed Order is placed on the file)