

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.1280 OF 2010
IN
WRIT PETITION NO. 3546 OF 2009**

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders.
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Smt.Archana Sandeep Pashankar,
applicant in-person.

Mr A.S.Khandeparkar i/b Mr Anilkumar Joshi for the respondent.

CORAM : D.B.BHOSALE, J.
DATE : 30/04/2010.

PC:

Heard the applicant in-person and learned counsel for the respondent.

By this application, the applicant is seeking to recall the order dated 16.11.2009 disposing of Writ Petition No.3546 of 2009 to the extent of the second paragraph requesting to delete the same. The order dated 16.11.2009 reads thus :

“Heard learned counsel for the parties.

Counsel for the petitioner does not press this petition and seeks liberty to the petitioner to approach the Family Court and file fresh application for alternative accommodation. The writ petition is disposed of as withdrawn with liberty as prayed.

While granting the liberty I shall not be understood to have expressed any opinion on the right of the petitioner to file such application and/or on the right of the petitioner to seek accommodation.”

The applicant in-person submits that in view of the second paragraph, the Family Court is not entertaining her application for alternative accommodation. In view of her submission, it is made clear that by order dated 16.11.2009, the applicant was given liberty to file fresh application for alternative accommodation keeping all contentions of the parties in respect of the said application open. The Family Court, therefore, will have to entertain the application and deal with the same in

accordance with law. With these observations, the application is disposed of. If the applicant files application as aforementioned, same may be heard and disposed of expeditiously.

(D.B.BHOSALE, J.)

