

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

...
CIVIL REVISION APPLICATION NO. 43 OF 2014

SACHIN VITTHALRAO DESHMUKH

VERSUS

SANGEETA SACHIN DESHMUKH

...

Advocate for Applicant : Mr. Mukhedkar Amit A.

Advocate for Respondent : Mr. Deshmukh Shashibhushan

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CORAM : S. V. GANGAPURWALA, J.

DATE : 9th September, 2015

PER COURT :

1. Mr. Mukhedkar, the learned counsel for the applicant submits that the District Court, in a casual manner, condoned the delay caused in filing the appeal. The decree was passed of annulment of marriage by the trial court. There was delay of 33 days in filing the appeal. According to the learned counsel, the Doctor's certificate was not proved as the Doctor was not examined. No sufficient cause was stated for condonation of delay.

2. It is trite that when technical circumstances and cause for substantial justice are pitted against each other, the cause for substantial justice has to be subserved. There was delay of 33 days in filing the appeal. Application for condonation of delay was

supported by Doctor's certificate, stating that the appellant was suffering from viral fever of chicken gunia. The same was also supported by affidavit. The Court has exercised discretion in a plausible manner.

3. In the light of above, the civil revision application is rejected. No costs.

(S. V. GANGAPURWALA, J.)

JPC