

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

CIVIL APPLICATION NO.163 OF 2015

Pranjali Prasad Kanitkar

..Petitioner

Vs.

Prasad Chandrakant Kanitkar

..Respondent

Mr. Pushkar Sapre, Advocate for the petitioner.

Coram : Smt. R. P. SondurBaldota, J

Date : 19th August, 2015.

P.C. :

1. This application is for condonation of delay of 42 days in filing petition for review of the order dated 4th February, 2015, by which the concurrent findings of fact by the Courts below as regards the cruelty meted out by the petitioner to the respondent were confirmed leading to confirmation of the decree of divorce.

2. The reason set out in the application for delay in preferring the review petition is firstly that the petitioner was unwell and secondly that she, at the relevant time, was undergoing financial crisis. The petitioner relies upon medical certificate dated 4th March, 2015. As per the certificate she had been suffering from Acute Lumbago and was under treatment of the doctor issuing the certificate, from 26th February, 2015 to 4th March, 2015. The certificate further states that she was advised complete rest till 4th March, 2015 and was fit to resume activities from 5th March, 2015.

This would mean that the excuse of ill-health was not available to the petitioner after 5th March, 2015. The review petition along with present application was filed on 8th April, 2015. As regards the financial crisis except for the two words of “financial crisis” mentioned in the application, there is nothing to indicate that she was suffering from any financial crisis. Thus, there is no case made out whatsoever for condoning the delay in filing the review petition. Hence, Civil Application No.163 of 2015 is dismissed.

3. In view of the dismissal of the Civil Application, the Review Petition does not survive. The same is accordingly disposed off.

[Smt. R. P. SondurBaldota, J.]