

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.225 OF 2017
IN
FAMILY COURT APPEAL (STAMP) NO.18544 OF 2017

Pramod Dadasaheb Jagdale		Applicant
<i>Versus</i>		
Kaushalya Kisan Kolthe		Respondent

Mr. A.A. Garge for the Applicant.

None for the Respondent.

CORAM : SMT. V.K. TAHILRAMANI &
DR. SHALINI PHANSALKAR-JOSHI, J.J.

DATE : 26TH SEPTEMBER, 2017.

P.C. :

1. Heard learned counsel for the Applicant.
2. This is an application for condonation of delay in filing Family Court Appeal against the Judgment dated 13th March 2001 passed by the Family Court at Bandra, Mumbai, whereby the Petition filed by the Applicant for a 'Decree of Nullity' came to be dismissed.
3. The delay is of almost 16 years. As stated earlier, the Judgment of the Family Court, which has been impugned, is dated

13th March, 2001. Learned counsel for the Applicant submitted that the averments made in the application for condonation of delay are stated in paragraph No.4 of the application. It is stated therein that the Applicant is working in Air India and has various responsibilities. His financial condition was not stable and he had a large family. The Applicant is also suffering from depression on account of mental trauma. It is to be noticed that no certificate to show that the Applicant was suffering from depression has been annexed to the application. It is further stated that settlement talks were going on between the parties, therefore, he was under impression that the matter will be settled. It is further stated that, in the meanwhile, the Family Court granted maintenance of Rs.3,000/- to the wife and the Applicant chose to pay the maintenance in order to save time and money in litigation and further harassment. Thereafter, the Respondent filed another Miscellaneous Application No.6 of 2016 in the Family Court, Bandra, for enhancement of maintenance. Hence, the Applicant lost hopes of settlement and, therefore, filed the present Family Court Appeal.

4. We are of the opinion that the reasons stated in the application do not make out sufficient cause for condonation of delay. The delay is, inordinately long, which is of almost 16 years. The delay has not been sufficiently explained. Hence, this Civil Application is rejected.

[DR. SHALINI PHANSALKAR-JOSHI, J.]

[SMT. V.K. TAHILRAMANI, J.]