

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

901 CIVIL APPLICATION NO. 10999 OF 2018
IN RAST/23298/2018

SADANAND ISSAC SATHE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Applicants : Mr. A.M. Nagarkar
AGP for Respondents 1 & 3 : Mr. S.J. Salgare
...

**CORAM : T.V. NALAWADE AND
SUNIL K. KOTWAL, JJ.**

DATED : August 30, 2018.

PER COURT :

1. The application is filed for condonation of delay of 107 days caused in filing the application for review of the order made by this Court in Writ Petition No. 8069/2013. The petition was filed by present applicant for relief of setting aside the decision of communication of respondent authority by which family pension was refused to the applicant. He was claiming pension in respect of services rendered by his wife. The authority considered document of divorce and held that as there was divorce, the husband is not entitled to get the relief.

2. Today submission was made that there was no legal divorce, divorce was not obtained from the Court and so, the

record of divorce could not have been considered by the authority. Such submission cannot be considered in review application as after considering the entire contentions, the order was made against the applicant.

3. For condonation of delay not only sufficient cause is required to be shown, but there needs to be some arguable case on merits in the main proceeding. There is no such case. Further, sufficient cause is also not shown. In the result, the application is rejected.

[SUNIL K. KOTWAL, J.]

[T.V. NALAWADE, J.]

ssc/