

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

SECOND APPEAL (ST) NO. 4140 OF 2019

Bhimrao Krishna Lavte

...Appellant

vs.

Smt. Shalan Bhimrao Lavte

...Respondent

Mr. Suryajeet P. Chavan for Appellant.

Mr. Shankar P. Thorat for Respondent.

CORAM : S.C. GUPTE, J.

DATE : 7 NOVEMBER 2019

P.C. :

This second appeal challenges an order passed by the District Court at Sangli in an appeal from a decree of divorce passed by the Civil Judge, Senior Division, Sangli on an application of the Respondent. The appeal filed by the Appellant herein before the District Court at Sangli was not entertained by that court, since there was a delay in filing the appeal and the Appellant's application for condonation of that delay was rejected by the appellate court. This order is the subject matter of challenge in the present second appeal. The delay in filing the appeal before the District Court was of four years and six months. The first ground, on which the delay was sought to be explained, was that the Appellant was not well. The only documentary evidence in this behalf produced by the Appellant was two medical certificates that he had an eye surgery and was in the hospital for a day and that he was suffering from hypertension. The second reason cited before the District Court was that the Appellant had no finance to file the appeal. Neither of these reasons were considered by the District Court as satisfactory giving rise to a sufficient cause to condone the delay. No

substantial question of law arises in the second appeal insofar as the order passed on the application for condonation of delay is concerned.

2 The second appeal is, accordingly, dismissed.

(S.C. GUPTE, J.)