

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

**CIVIL APPLICATION NO. 263 OF 2019
IN
FAMILY COURT APPEAL (STAMP) NO. 21330 OF 2019**

Rohit Vilas Shinde] Applicant

Versus

Revati @ Savita Rohit Shinde] Respondent

Mr. Kedar P. Lad, Advocate for the Applicant.

Mr. Omkar Mane i/b Mr. Satyajee Shirke, Advocate for the Respondent.

**CORAM : K.K. TATED &
SARANG V. KOTWAL, JJ.**

DATE : 08th JANUARY, 2020.

P.C.

. Heard learned counsel for the parties.

2. By this Civil Application, the applicant/husband is seeking condonation of 29 days delay in filing the Family Court Appeal challenging the judgment and decree dated 08/03/2019 passed by the Family Court, Kolhapur in Petition A – 109 of 2016 dismissing the applicants' petition for divorce under Section 13 (1) (ia) & (ib) of the Hindu Marriage Act, 1955.

3. Learned counsel Mr. Kedar P. Lad for the applicant submits that inadvertently it remain on the part of the applicant to take immediate steps for filing the Family Court Appeal. He submits that in the interest of justice, be pleased to condoned the delay in filing the appeal. He submits that if the delay is not condoned, irreparable loss will be caused to the applicant.

4. On the other hand, learned counsel Mr. Omkar Mane appearing on behalf of respondent/wife vehemently opposed the present application. He submits that the applicant has not shown sufficient cause for condonation of delay. Hence, there is no substance in the present Civil Application and the same is required to be dismissed with costs.

5. We heard both the sides at length. It is to be noted that in the present proceedings, the petition filed by the applicant for divorce under Section 13 (1) (ia) & (ib) of the Hindu Marriage Act, 1955 stands dismissed. Considering the reasons disclosed by the applicant in Civil Application and the Hon'ble Apex Court order in the matter of *N.Balkrishnan Vs. M. Krishnamurthy (1998) 7 SCC 123* holding that the object of fixing the time limit is not meant to destroy the rights, the law of limitation fixes a lifespan for such legal

remedy for the general welfare, we satisfy that the applicant has made out a case for allowing this Civil Application. Hence, the following order.

ORDER

- (A) Delay in filing the Family Court Appeal is condoned.
- (B) Applicant to pay a sum of Rs.2,500/- (Rupees Two Thousand Five Hundred Only) by way of cost to the Respondent or her Advocate on or before 18/01/2020.
- (C) Civil Application stands disposed of accordingly.
- (D) No order as to costs.

(SARANG V. KOTWAL, J.)

(K.K. TATED, J.)