
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 1902 OF 2021

IN

FAMILY COURT APPEAL (L) NO. 12944 OF 2021

Ravindra B. Shivdas

.. Applicant/Appellant

Versus

Suvarna R. Shivdas

.. Respondent

Mrs. Kalpana Ranchod Trivedi for the Applicant/Appellant.

CORAM : B. P. COLABAWALLA &
M.M. SATHAYE, JJ.

DATE : JUNE 23, 2023

P. C.

1. The above Interim Application is filed seeking a condonation of delay of 4 years and 251 days in filing the above Family Court Appeal. The Family Court Appeal is filed by the Appellant being aggrieved by the impugned Judgment and order dated 16th July, 2016. By the said Judgment, the Divorce Petition filed by the Appellant was dismissed. The only explanation given for this enormous delay is that

after the said Judgment of the Family Court, the Appellant approached the Respondent to try and convince her for re-conciliation and stay together for the betterment of their sons' future who are aged 20 years and 17 years respectively. In fact, in the application for condonation of delay it stated that the Appellant is desirous of continuing the marriage with the Respondent as he is keen to provide a healthy atmosphere and happiness. It is stated that the Respondent's act of deserting him without any logical reason and for no fault of the Appellant, is cruelty on the part of the Respondent towards the Appellant.

2. We find that the explanation given in the application for condonation of delay is wholly devoid of any merit. Nothing precluded the Applicant/Appellant to approach this Court earlier. If we accept such an explanation for the delay, in virtually all matters, the delay would have to be condoned irrespective of the amount of delay. Merely because the Appellant was trying to re-consider his differences with his wife is no explanation for this enormous delay.

3. In these circumstances, the above Interim Application is dismissed. No order as to costs.

4. Since the Interim Application seeking a condonation of delay is dismissed, the Family Court Appeal also stands dismissed.

5. This order will be digitally signed by the Private Secretary/ Personal Assistant of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.

[M.M. SATHAYE, J.]

[B. P. COLABAWALLA, J.]