

ITEM NO.6

COURT NO.5

SECTION IX

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil)...../2012
CC 8329/2012

(From the judgement and order dated 25/01/2010 in FCA No.109/2007,
of The HIGH COURT OF BOMBAY)

LATESH SUBHASH KADAM Petitioner(s)

VERSUS

NEESHA LATESH KADAM Respondent(s)

(With appln(s) for c/delay in filing SLP and office report)

Date: 09/05/2012 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI
HON'BLE MR. JUSTICE SUDHANSU JYOTI MUKHOPADHAYA

For Petitioner(s) Mr. Ajay Majithia, Adv.

For Respondent(s)

UPON hearing counsel the Court made the following
O R D E R

This petition is directed against judgment dated
25.01.2010 of the Bombay High Court, whereby the appeal
filed by the petitioner against the decree passed by the
Family Court was dismissed. The petitioner has also filed
an application for condonation of 716 days delay.

We have heard Shri Ajay Majithia, learned counsel
for the petitioner and carefully perused the record.
In paragraph 3 of I.A. No.1 of 2012 filed for

condonation of delay, the petitioner has averred as under:

"3. The impugned order was passed by the
Hon'ble High Court on 25.1.2010, and an
application for supply of certified copy of
impugned was filed on 5.2.2010 and it was supplied
to the petitioner on 4.3.2010. However, the
petitioner/applicant could not file the Special
Leave Petition within the period of limitation as
he is mentally disturbed and lost total peace of
mind due to the happenings in his life. The
respondent/wife is continuously creating troubles
to the petitioner/applicant with the help of her
parents and supporters and forcing the petitioner

in pursuing those matters and filing complaints before the local police. In pursuing these events, the petitioner/applicant could not approach the counsel at Delhi for filing Special Leave Petition within time. Hence, there occurred a delay of 716 days in filing the Special Leave Petition."

In our considered view, the explanation given by the petitioner for delayed filing of the special leave petition is wholly unsatisfactory and there is no valid reason much less justification for exercise of power by this Court under Section 5 of the Limitation Act, 1963.

We are also of the view that the judgment of the Family Court as also the impugned judgment by which the petitioner's prayer for grant of divorce was declined do not suffer from any legal infirmity and the special leave petition is liable to be dismissed being wholly meritless.

The special leave petition is accordingly dismissed on the ground of delay and also on merits.
(Parveen Kr.Chawla) (Phoolan Wati Arora)
Court Master Court Master