ITEM NO.33 COURT NO.10 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)...../2010
CC 17300/2010
(From the judgement and order dated 12/04/2010 in FCA No. 133/2005
of The HIGH COURT OF BOMBAY)

RAJENDRA LAXMINARAYAN RATHI Petitioner(s)

VERSUS

SONAL RAJENDRA RATHI Respondent(s)

IA NO.1(c/delay in filing SLP)

Date: 10/08/2011 This Petition was called on for hearing today.

CORAM :
HON'BLE MR. JUSTICE G.S. SINGHVI
HON'BLE MR. JUSTICE H.L. DATTU

For Petitioner(s) Ms. Neela Gokhale,Adv.

For Respondent(s)

UPON hearing counsel the Court made the following

O R D E R

The delay of 86 days in filing the petition is condoned.

Having failed to convince the High Court to reverse the dismissal by Family Court, Pune of the divorce petition filed by him, the petitioner has filed this petition.

On 22.11.2010, the Court had, after hearing learned counsel for the petitioner for some time and with a view to give an opportunity to the parties to explore the possibility of an amicable settlement of the matrimonial dispute, directed them to appear before the Mediation Centre attached to the Bombay High Court. The In-charge, Mediation Centre of the

Bombay High Court has sent report dated 15.6.2011, perusal of which shows that the parties have failed to settle their dispute.

We have heard Ms. Neela Gokhale, learned counsel for the petitioner and carefully perused the record.

In our view, the concurrent findings recorded by the Family Court and the High Court that the petitioner could not prove the allegations of cruelty and desertion levelled against the respondent are based on correct evaluation of the pleadings of the parties and appreciation of evidence produced by them and the impugned judgment does not call for interference under Article 136 of the Constitution.

The special leave petition is accordingly dismissed.

(A.D. Sharma)
Court Master

(Phoolan Wati Arora)
Court Master