

GAHC010101962023



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : I.A.(Crl.)/392/2023

KHAN ASHRAFUL ALOM
S/O SHAHIDUL ISLAM,
VILL.- BALAR PATHAR,
P.O.- SHOWPUR,
P.S.- KALGACHIA,
DIST.- BARPETA (ASSAM).

VERSUS

BEGUM SAJINA AHMED
S/O ABDUL HAKIM AHMED,
VILL.- SANTI NAGAR, WARD NO. 9, BARPETA ROAD TOWN,
P.O. AND P.S.- BARPETA ROAD,
DIST.- BARPETA (ASSAM), PIN- 781316.

Advocate for the Petitioner : MR. R ALI

Advocate for the Respondent : MR. S ISLAM

**BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA**

ORDER

Date : 21.02.2024

Heard Mr. R. Ali, learned counsel for the applicant. Also heard Mr. S. Islam, learned counsel for the respondent.

This is an application under Section 5 of the Limitation Act, 1963, praying for condonation of delay of 71 days in preferring the connected revision petition against the order dated 10.08.2022, passed by the learned Principal Judge, Family Court, Barpeta in F.C. (Crl) Case No. 325/2020, directing the applicant/petitioner to pay an amount of Rs. 7,000/- per month towards maintenance to the respondent from the date of filing of the petition.

It is submitted by Mr. Ali, learned counsel for the applicant, that due to the fault on the part of the engaged counsel, who did not apply for the certified copy of the order on time, there was a delay in preferring the connected revision petition. That apart, the applicant was also prevented from filing the revision petition within time due to his illness, which is already mentioned in paragraph Nos. 3 & 4 of the application.

In this context, Mr. S. Islam, learned counsel for the respondent, raised no objection in condoning the delay of 71 days in preferring the connected revision petition.

Considering the submissions made by the learned counsels appearing on

behalf of both sides and the grounds mentioned in paragraph Nos. 3 & 4 of the application, which is found to be a genuine and reasonable ground for delay, in the considered opinion of this Court, the delay of 71 days in preferring the connected revision petition can be condoned. Accordingly, the present Interlocutory Application is hereby allowed and the delay of 71 days in preferring the connected revision petition stands condoned.

Registry to register the connected criminal revision petition and list the same for Admission hearing after 3 (three) weeks.

The Interlocutory Application stands disposed of in terms above.

JUDGE

Comparing Assistant