

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
AURANGABAD BENCH, AT AURANGABAD.**

Criminal Application No. 6818 of 2014
(In Criminal Revision Application Stamp No. 277 of 2014)

Sheshrao s/o. Premsing Rathod.

.. Applicant.

versus

Meerabai w/o. Shesherao Rathod
& another.

.. Respondents.

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Mr. G.N. Chincholkar, Advocate, for the applicant.

Mr. P.P. Khandagale Patil, Advocate, for respondent no.1.

*Mr. S.D. Kaldate, Additional Public Prosecutor, for
respondent no.2 - State.*

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CORAM : SMT. SADHANA S. JADHAV, J.

DATE : 10TH APRIL 2015

PER COURT :

1. Heard Adv. Mr. G.N. Chincholkar for the applicant, Adv. Mr. P.P. Khandagale Patil for respondent no.1, and learned APP Mr. S.D. Kaldate for respondent no.2 - State.
2. This is an application seeking condonation of delay caused in filing accompanying Criminal Revision Application, challenging the order

passed by the Family Court at Aurangabad, in Petition No. E-229/2011, thereby directing the present applicant to pay monthly maintenance of Rs. 1,500/- to the present respondent no.1

3. The learned Counsel for the applicant submits that the order was passed ex parte. Due to lack of communication, he had no knowledge of passing of the said order. He learnt about the said order in the second week of August 2014 and, therefore, there is delay in filing the present application. Office note shows that there is a delay of 365 days. The learned Counsel submits that in view of the contentions raised in para 2 of the application, the delay needs to be condoned in the interest of justice. It is further submitted that the applicant is depositing the maintenance at the rate of Rs. 1,000/- per month. There are arrears as far as the differential amount is concerned.

4. The learned Counsel for respondent no.1 submits that the applicant be saddled with costs for challenging the order after a lapse of one year.

5. Taking into consideration the facts and circumstances in the present case, coupled with the submissions advanced across the Bar, the delay of 365 days needs to be condoned, in the interest of justice, upon the applicant paying a costs of Rs. 1,000/-, to be paid to respondent no.1.

6. In the result, the Application is allowed in terms of prayer clause “b”, subject to payment of costs of Rs. 1,000/- [Rupees one thousand] by the applicant to the respondent no.1, within a period of two

weeks from today.

7. Office to register the accompanying Criminal Revision Application and the same be enlisted for admission after two weeks.

8. Present Application stands disposed of in the above terms.

(SMT. SADHANA S. JADHAV)
JUDGE

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