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

**CRIMINAL APPLICATION NO. 4835 OF 2015
IN
CRIMINAL REVISION APPLICATION (ST) NO. 168 OF 2015**

Sangita w/o Umakant Saindane/Thakur,
Age: 44 years, Occ: Household,
R/o. Tulshi Niwas, Nageshwarwadi,
District Aurangabad ..APPLICANT

VERSUS

Umakant s/o Annasaheb Saindane/
Thakur, Age: 50 years, Occ:Service,
R/o. 2, Dharmanath Society,
Sai Nagar, RTO Corner, Dindori
Road Panchawati, District Nasik. ..RESPONDENT

Ms P.R. Wankhade, Advocate for applicant;
Mr B.K. Patil, Advocate for respondent

CORAM : N.W. SAMBRE, J.

DATE : 24th OCTOBER, 2016

ORAL ORDER :

Condonation of the delay of 136 days
caused in preferring present criminal revision
application against the order of Family Court,
Aurangabad passed on 21st January, 2015 in Criminal
Misc. Application No. 51 of 2011, enhancing the
maintenance under Section 127 of the Code of

(2)

Criminal, is seriously objected by Mr. Patil, learned Counsel for respondent, on the ground that the delay is not at all satisfactorily explained. He would urge that the order impugned was subject matter of challenge in Criminal Revision Application No. 48 of 2015 before this Court, which was dismissed on 1st July, 2015 after hearing present applicant. According to him, as such, the applicant was well aware about her rights and application is liable to be rejected.

2. It is required to be noted that the applicant appears to be a lady in distress, who is extended with the benefits of High Court Legal Aid, Sub Committee, Bench Aurangabad.

3. Her knowledge qua right to question the order seeking enhancement perhaps was disclosed to her only after this Court dismissed the revision preferred by the husband questioning the enhancement.

(3)

4. In my opinion, looking to the nature of cause cited and social object with enactment provides for remedy, delay needs to be condoned. Accordingly, criminal application stands allowed.

(N.W. SAMBRE, J.)

Tupe