

IN THE HIGH COURT OF JUDICATURE AT BOMBAY:
NAGPUR BENCH : NAGPUR
Criminal Application [APPR] No. 113 of 2016
IN
Criminal Revision No. of 2016
[Ramkrishna Chirkut Warthi Vs. Smt. Meerabai Ramkrishna Warthi]

Office Notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's orders

Mr. S.W. Tijare, Adv., for the applicant.
Ms. S. Borkute, Adv., for the respondent.

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CORAM : P.N. DESHMUKH, J.

DATE : 23rd December, 2016

The applicant has filed this application for condonation of 793 days' delay caused in preferring Revision against the impugned order of maintenance passed by the Family Court.

According to applicant, the counsel, who was looking after the matter before Family Court, did not inform him about passing of the judgment and order in spite of applicant vigilantly pursuing the matter with his counsel who used to inform that the case was still pending. It is only on 29th March, 2016 that the concerned Bank from which he was receiving his pension informed that his pension was attached for non-payment of maintenance amount. On 29th March, 2016, he learnt about passing of order dated 1st February,

2014, and thereafter he engaged another counsel and has preferred present Revision.

Though learned counsel for the respondent has opposed the application as per reply on record, considering the fact that the applicant was prosecuting his claim by relying upon his counsel, the application is liable to be allowed in the interest of justice and in view of the settled legal position that refusing to condone delay can result in a meritorious matter being thrown out at the very threshold and cause of justice being defeated, as against this, when delay is condoned, the highest that can happen is that a cause would be decided on merits after hearing the parties. "Every day's delay must be explained" does not mean that pedantic approach should be made. Why not every hour's delay, every second's delay. The doctrine must be applied in a rational, common sense and pragmatic manner. In that view of the matter, application is allowed. Delay caused in filing Revision stands condoned.

Criminal Revision Application :

Heard.

Admit. Call R & P.

Learned Adv. Ms. Borkute waives service.

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Stand over beyond Christmas Vacation, 2016.

Judge

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