

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

**CRIMINAL APPLICATION NO.1432 OF 2016
IN AND WITH
CRIMINAL REVISION APPLICATION ST. NO.64 OF 2016
WITH
CRIMINAL APPLICATION NO.1433 OF 2016**

Santosh s/o Balwantrao Divekar,
Age-36 years, Occu:Labourer,
R/o-Bhoiwada, Khadkeshwar,
Aurangabad, Tq. & Dist-Aurangabad.

...APPLICANT

VERSUS

- 1) Amrapali w/o Santosh Divekar,
Age-32 years, Occu:Household,
R/o-C/o-Jalinder Bhimrao Gaikwad,
Sangita Colony, Plot No.2,
Bhavsingpura, Road, Aurangabad,
Tq. & Dist-Aurangabad,
- 2) Himanshu s/o Santosh Divekar,
Age-4 years, Occu:Nil,
Minor u/g. Of his mother namely
Amrapali w/o Santosh Divekar,
C/o-Jalinder Bhimrao Gaikwad,
Sangita Colony, Plot No.2,
Bhavsingpura Road, Aurangabad,
Tq. & Dist-Aurangabad.

...RESPONDENTS

...

Mr.H.V. Tungar Advocate for Applicant.

Mr.P.M. Gaikwad Advocate for Respondent Nos.1 & 2

...

CORAM: S.S. SHINDE, J.

DATE : 6TH DECEMBER, 2017

ORDER :

1. Criminal Application No.1432 of 2016 has been filed praying therein to condone the delay of 639 days occurred in filing the Criminal Revision Application.

2. Learned counsel appearing for the Applicant invites attention of this Court to the averments in the Application and submits that after passing the impugned order which is assailed in the Revision, considerable time was lapsed since the parties were exploring the possibility of amicable settlement. He further submits that to show his bonafides the Applicant has deposited part of the amount so as to honour the directions issued by the Family Court. Therefore, he submits that delay deserves to be condoned and Revision Application deserves to be entertained on merits.

3. On the other hand, learned counsel appearing for the Respondents, relying upon the averments in the affidavit in reply submits that no sufficient reasons or explanations are offered by the Applicant for condonation of inordinate delay of 639 days in filing the Revision Application and therefore application for condonation of delay is liable to be dismissed and consequently the Revision Application may not be registered.

4. Upon hearing learned counsel appearing for the Applicant and learned counsel appearing for the Respondents and upon careful perusal of the averments in the Application for condonation of delay, it appears that no justifiable reasons are stated. There is general averment that delay was caused as parties were exploring the possibility of amicable settlement. Since there is delay of 639 days which remains unexplained by quoting specific reasons for such inordinate delay. On vague averments that parties were

exploring the possibility of amicable settlement, such inordinate delay which has serious consequences so far as Respondents are concerned, cannot be condoned.

5. Hence the Application for condonation of delay i.e. Criminal Application No.1432 of 2016 stands rejected. Consequently Revision Application ST. No.64 of 2016 cannot be registered and the same stands rejected. Similarly, Criminal Application No.1433 of 2016 also stands rejected.

[S.S. SHINDE, J.]