

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

31 CRIMINAL APPLICATION NO. 1690 OF 2017
IN REVNST/104/2017

KAILAS S/O. GANESHLAL DAD
VERSUS
NANDA W/O. KAILAS DAD

...
Advocate for Applicant : Shri. Ghatge Mahesh V.
Advocate for Respondents : Shri Suryawanshi Govind G.
...

CORAM : P.R. BORA, J.
DATE : 28-08-2017.

P.C. :

1. Heard the learned Counsel appearing for the parties. The delay of 429 days has occurred in filing the present revision application by the applicant. It is the contention that applicant was not aware of the transfer of the proceedings to Family Court from the Court of Civil Judge Senior Division by virtue of the establishment of the Family Court at Nanded. The learned Counsel for the respondent has disputed the contention of the applicant stating that he was fully aware that his proceedings are transferred.

2. Law is well settled that the matters are to be decided on merits and not to be thrown on technicalities. It is true that the delay which has occurred in filing the revision application is of the period more than one year. However, the reason which has been assigned by the applicant for occurrence of delay cannot be outrightly rejected. Further, it appears to me that for the period of delay, the respondent can be compensated by awarding the adequate costs from the

applicant. Since the applicant has raised valid grounds in exception to the impugned judgment, the revision application needs to be heard on merits. Hence, the following order.

ORDER

1. The delay caused in filing the revision application is condoned subject to costs of Rs.5,000/- (Rs. Five thousand only) to be paid by the revision applicant to the respondent within four weeks.
2. The Criminal Application stands disposed of.
3. Revision Application be registered in accordance with the law.
4. Issue notice to the respondent. Learned Counsel Shri G. G. Suryawanshi waives for the respondent. Service Complete.
5. List the Criminal Revision Application for admission on 25th September, 2017.
6. R & P be called.

(P.R. BORA)
JUDGE