

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

10 CRIMINAL APPLICATION NO. 3213 OF 2016
IN REVNST/150/2016

SHAIKH IRSHAD SHAIKH JAMSID
VERSUS
SANIYA D/O SHAIKH IRSHAD AND ANR

Smt. R.R. Mane, Advocate, for applicant.

Shri. Kiran D. Jadhav, Advocate , for respondents.

CORAM: T.V. NALAWADE, J.

DATE : 16 JANUARY 2017

ORDER:

1) The application is filed for condonation of delay of 100 days caused in filing revision against the decision of the Family court Aurangabad. Both the sides are heard.

2) It is the case of the applicant that the proceeding is decided *ex parte* against him and due to his illiteracy he could not know about the pendency of the matter. It is his contention that earlier there was compromise between the parties and due to that there was some misconception.

3) Learned counsel for the respondents has strongly opposed the application by contending that sufficient cause is not shown. In any case as the matter is decided *ex parte* against the applicant this Court holds that subject to some cost the application needs to be allowed. As the respondents are required to spend for the proceeding and there are minor issues of the respondent, mother, this Court holds that cost of Rs.3000/- needs to be paid by the applicant to the respondents. The cost is to be deposited in this Court on or before 23 January 2017. If the cost is deposited it is to be presumed that the application is allowed and delay is condoned. Only after deposit of the cost the proceeding is to be registered. If the cost is not deposited it is to be presumed that present proceeding is dismissed.

Sd/-
(T.V. NALAWADE, J.)

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