

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

6 CRIMINAL APPLICATION NO. 3476 OF 2016

IN REVNST/157/2016

VIJAY S/ORUPCHAND CHAVAN

VERSUS

SOW USHA @ SEEMA W/O VIJAY CHAVAN

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Adv.for Applicants : Mr. Chavan Sanjaykumar B.

Mr. RM Gaikwad, Adv. For Respondent.

CORAM : P.R.BORA, J.

DATE : 2nd November, 2017.

PER COURT :

1) Delay of 807 days occurred in filing the Criminal Revision Application by the present applicant against the judgment and order passed by the Family Court, Aurangabad in Petition E-9/2013 decided on 2nd January, 2014.

2) The following reasons are assigned by the applicant to justify the delay which has occasioned in filing the revision application by him.

(i) The applicant submits that, the applicant was in search of job for his livelihood and was constrained to wonder here and there. As the applicant is not having permanent source of income, he is not having sufficient means and unable to pay separate maintenance to the respondent as ordered by the learned Family Court.

(ii) The applicant submits that, as the applicant was leading life under apprehension due to threats given by father and family members of the respondent to him. Further, the applicant was under impression that there will be change or improvement in the behavior of respondent wife and he will not constrain to challenge the impugned Judgment wife has taken disadvantage of the impugned Judgment and order passed by learned Family Court and pursuant thereto filed Execution Petition before Family Court.

(iii) The applicant submits that, immediately after receipt of notice of execution petition applicant preferred Criminal Revision Application challenging Judgment and order dated 10.01.2014 passed by the learned Family Court and for which delay has been caused for the reasons stated herein above

3) After having perused the reasons as are assigned by the applicant, it does not appear to me that for such reasons, the delay of such huge period of 807 days can be condoned. Since the applicant has failed to justify the delay which has occurred in filing the criminal revision application, the application deserves to be rejected and is accordingly rejected. Secondly, even otherwise, there does not appear any substance in the revision preferred by the applicant against the order passed by the Family Court directing the revision application to pay maintenance @ Rs.2,500/- per month to the respondent-wife.

4) The Criminal application as well as
criminal revision both stand rejected.

(P.R.BORA,J.)

bdv/