

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO.1451 OF 2016

Bharat Dagadu Batavale & Ors. .. Petitioners.

Vs.

Manisha Bharat Batavale & Anr. .. Respondents.

Mr.Patil Kishor Shrirang for the Petitioners.

Ms.Prachita P. Vare for Respondent No.1.

Mr. S.V. Gavand APP for the State.

CORAM : A. K. MENON, J.

DATED : 25TH JULY, 2017

P.C. :

1. By this writ petition, the petitioners seek to challenge the order dated 26th October, 2015 whereby the application for condonation of delay in filing the appeal under Section 29 of the Protection of Women from Domestic Violence Act, 2005 was rejected.

2. Heard learned counsel for the parties and perused the application. The impugned order records that the applicants have contended that they were unaware of the law of limitation and that parties were engaged in talks with intervention of the villagers and lot of time was consumed in such meetings. It is also contended that applicant no.1 had also lost his job and was unable to pay interim maintenance. The learned Sessions Judge has recorded that the order sought to be challenged in the appeal is dated 26th July, 2013 and

about 17 months had passed. The application taken out for delay does not mention the length of delay or the reason for delay that has occasioned. It merely repeats the contention that the applicant had no knowledge of legal procedure and that settlement talks were underway.

3. I have perused the application, a copy of which appears at Exhibit-D. Even assuming that everyday's delay is not to be explained. I do not find any particulars apart from the general excuse referred above. There is no cause shown as to why the delay should be condoned. It is not as if the applicants did not have legal assistance. They were represented by the Advocate in the Lower Court and could have been advised. There is nothing to show that the Advocate concerned was unaware of the time limit within which appeal was required to be filed. I do not find any reason to interfere in writ jurisdiction of this Court. In the circumstances, Writ Petition is dismissed. No order as to the costs.

(A.K. MENON, J.)