

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**CRIMINAL APPELLATE JURISDICTION**  
**CRIMINAL APPLICATION NO.505 OF 2016**  
**IN**  
**CRIMINAL REVISION APPLICATION NO.405 OF 2015**

**Mrs. Sudhisha Sunil Gharkar** )...Applicant

**V/s.**  
**State Of Maharashtra & Anr.** )...Respondents

Mr. A.K.Kotecha i/by B.R.Deshmukh, Advocates for the Applicant.

Mr. Ameet Palkar, APP for the Respondent - State.

**CORAM : A. M. BADAR, J.**

**DATE : 24<sup>th</sup> MARCH, 2017.**

**P.C. :**

This is an application for restoration of the revision petition which came to be dismissed in default by condoning the delay in preferring the application for restoration.

2 Heard the learned advocate appearing for the applicant-revision petitioner as well as the learned APP for the State.

3 It is not necessary to issue notice to respondent no.2 as revision petition came to be dismissed in default without service

of notice on respondent no.2.

4           On 15.9.2015, this Court while issuing notice to respondents directed the learned advocate for the applicant-revision petitioner to file spare copies within one week in order to issue notice to respondent no.2. As spare copies were not tendered in the office, the revision petition came to be dismissed for want of prosecution. The learned advocate for the applicant-revision petitioner undertakes to supply spare copies in office within a period of one week from today.

5           In this view of the matter, the application deserves to be allowed as main matter is in respect of amount of maintenance to a wife, i.e., the revision petitioner. Therefore, the order:

(1)       The application is allowed. Delay in filing application for restoration of the revision petition is condoned.

(2)       The revision petition is restored to the file subject to the applicant-revision petitioner furnishing spare copies for effecting service on

the respondent no.2 within a period of one week from today.

**(A. M. BADAR, J.)**