

Nalawade

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 1071 OF 2017

Ganesh S. Yendhe ...Applicant.
vs.
Bhagyashree G. Yendhe and anr. ...Respondents.

Mr.V.V. Purwant i/by Pratibha Borade for the Applicant.
Mrs. S.S. Kaushik, APP. for the State.

CORAM: A.S.GADKARI, J.
DATE : 04th December, 2017.

P.C.

1. This is an application under Section 482 of the Cr.P.C. impugning the order dated 26.9.2017 passed by the learned Sessions Judge, Sessions Court, Borivali, Division Dindoshi, Mumbai thereby adjourning the application for condonation of delay to 8.1.2018 without granting stay to the impugned orders dated 4.7.2016 and 8.5.2017.

2. The record indicates that on an application preferred by respondent No.1 under Section 23 of the Protection of Women from Domestic Violence Act, the learned Metropolitan Magistrate 10th Court, Andheri, Mumbai by its order dated 4.7.2016 has granted maintenance at the rate of Rs.5000/-p.m. in favour of respondent No.1 from the date of the said application till further orders. Feeling aggrieved by the said order, the applicant preferred an appeal before the Sessions Court, Borivali Division, Dindoshi, Mumbai. As there is delay of 384 days in preferring the Appeal, the applicant filed an application for condonation of delay. The Appellate Court by the impugned order adjourned the said application to 8.1.2018

for hearing. The record indicates that the respondent No.1 herein is being represented by an Advocate who has caused appearance in the matter. Thus, respondent No.1 is duly served and being represented by an Advocate and the hearing of application for condonation of delay can be proceeded with.

3. In view thereof, the Appellate Court is hereby directed to proceed with the hearing of M.A. No.178 of 2017 on the scheduled date on 08.1.2018 and make an endeavour to expedite the hearing of the application.

4. Application is disposed off with the aforesaid directions.

(A.S.GADKARI, J.)