

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

CRIMINAL WRIT PETITION NO.4012 OF 2016

Amarjit Murlidhar Hambire .. Petitioner.
Vs.
Surekha Amarjit Hambire & Anr. .. Respondents.

Mr.Pramod Patil for the Petitioner.

Mr.Ajit M. Savagave (Appointed Advocate) for the Respondent No.1.

Mr.Vinod Chate APP for the State.

CORAM : A. K. MENON, J.

DATED : 12TH JULY, 2017

P.C. :

1. By this petition, the petitioner seeks to challenge the order dated 6th October, 2016 passed by the Sessions Judge, Solapur in an application seeking condonation of delay of eight months and five days. The impugned order dated 6th October, 2016 declined to condone the delay of eight months and five days in filing the appeal against the order passed by the J.M.F.C. allowing the application seeking maintenance of the amount of Rs.15,000/- per month has been ordered as maintenance in addition the petitioner was directed to arrange for premises for two rooms for respondent nos.1 and 2. Respondent No.2 is child of the petitioner and first respondent who was aged 5 years at the time of filing of the complaint. It is a common ground that the petitioner is today in arrears since April 2015 and not a single monthly remittance has

been made. No arrangement has been made for rooms as directed to be provided. The impugned order records that there is no satisfactory explanation for condonation of delay. Even the application seeking condonation of delay is bereft of any reasons. The application is supported by an affidavit. The affidavit is also bereft of any reasons for any delay. The unexplained delay especially of this nature cannot be condoned in casual manner especially considering the conduct of the petitioner having failed to comply with the order for over a period of eight months. In the circumstances I am satisfied that the order impugned is neither perverse nor unjust. Accordingly, I pass the following order :

The Petition is rejected.

2. At this stage Mr.Patil, learned counsel for the petitioner offered in the course of the argument to pay the arrears but in installments first of which would be paid after two months and thereafter in unspecified installments. There are total arrears of Rs.6,70,000/- This is not an offer that can be accepted considering the fact that respondent no.1 has been deprived of the fruits of an order for maintenance passed in April 2015. It was duty of the petitioner to have maintained the respondents which he has failed to do. No equity can be claimed in a matter of this nature.

(A.K. MENON, J.)