

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR

CRIMINAL APPLICATION (APPR) NO.60 of 2017
IN
CRIMINAL REVISION APPLICATION NO.77 OF 2014

Shri Ravisingh s/o Narayansingh Bais

..vs..

Smt. Sudha w/o Ravisingh Bais and ors

.....
Office Notes, Office Memoranda of Coram,
appearances, Court orders or directions
and Registrar's orders
.....

Court's or Judge's Order

Shri C.B. Dharmadhikari, Counsel for the applicant.
Shri A.R. Prasad, Counsel for the non-applicants.

CORAM : V.M. DESHPANDE, J.
DATED : AUGUST 14, 2017.

This is an application for condonation of delay in
preferring the criminal revision application before this Court
challenging the order passed by learned Judge of the Family
Court granting maintenance in favour of the non-applicants.

Delay is of 164 days.

Learned counsel Shri C.B. Dharmadhikari for the
applicant submits that due to mis-communication from the local
counsel for the present applicant, who is resident of Madhya
Pradesh, the revision could not be filed within a stipulated
period.

Learned counsel Shri A.R. Prasad for the non-
applicants submits that principally he has no objection for

condoning the delay. However, he submits that suitable costs be imposed for condoning such a delay. He further submits that if the costs are imposed, he has authority to receive the costs.

The applicant is working in the Irrigation Department of the Madhya Pradesh State as a Draftsman and according to the finding, the applicant is getting salary of Rs.50,000/-.

In that view of the matter, in my view, it will not be too harsh if costs of Rs.7,500/- are awarded in favour of the non-applicants for allowing the present application. Hence, the following order:

ORDER

i) Criminal Application No.60 of 2017 is hereby allowed.

ii) Delay of 164 days in preferring the revision is hereby condoned subject to payment of costs of Rs.7,500/- by the applicant to the non-applicants.

iii) The costs of Rs.7,500/- can be paid to learned counsel Shri A.R. Prasad for the non-applicants within a period of two weeks from today.

iv) After receiving the costs, learned counsel Shri

A.R. Prasad for the non-applicants should pass requisite receipt and the said receipt should be filed on record.

v) On filing of such receipt showing the payment of costs of Rs.7,500/-, the Registry of this Court is directed to register the revision and place the same before this Court for admission.

vi) The present criminal application is disposed of.

JUDGE

!! BRW !!

...../-