

FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CRIMINAL WRIT PETITION NO. 371/2017

(DR.NISHA PANKAJ BAGADE (NISHA MESHAM) **VERSUS** DR.PANKAJ MADHUKAR BAGADE &
OTHERS)

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

Court's or Judge's orders

Mr. S.K. Neware, counsel for the petitioner.
Mr. N.V. Fulzele, counsel for the respondents.

CORAM : REVATI MOHITE DERE, J.

DATE : NOVEMBER 21, 2017.

Learned counsel for the petitioner seeks leave to
amend the petition.

Leave granted.

The amendment be carried out forthwith.

JUDGE

APTE

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CORAM : REVATI MOHITE DERE, J.
DATE : NOVEMBER 21, 2017.

Heard learned counsel for the parties.

By this petition, the petitioner has impugned the order dated 11.04.2017 passed by the learned District Judge-8, Nagpur by which the objection raised by the Registry of the trial Court was accepted, for refusing to register the appeal filed by the petitioner and the petitioner's miscellaneous criminal appeal was rejected.

Learned counsel for the petitioner submits that the learned District Judge could have directed the Registry to accept the appeal preferred by the petitioner, in view Section 29 of the Protection of Women from Domestic Violence Act, 2004. Learned counsel submits that although there is no delay, in view of the objection raised by the Registry, the petitioner is now ready to file an application for condonation of delay, if any, in filing the appeal.

In view of the aforesaid, without going into the merits, the impugned order dated 11.04.2017 passed by the learned District Judge-8, Nagpur is quashed and set aside. Although it is contended by the learned counsel for the petitioner that there is no delay in filing the miscellaneous criminal appeal in view of Section 29 of the D.V. Act, the petitioner is now ready to file an application for condonation of delay, only in view of the objection raised by the Registry of the trial Court. The learned District Judge to consider the said application for condonation of delay on its own merits in accordance with law, keeping in mind the provisions of Section 29 of the D.V. Act. If an application for condonation of delay is filed, the learned District Judge shall decide the same as expeditiously as possible and in any event within a period of six weeks from the date of filing of the application. All contentions of both the parties are kept open.

The petition is disposed of on the aforesaid terms.

All parties to act on the authenticated copy of this order.

JUDGE

APTE