

Santosh

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 169 OF 2018

IN

CRIMINAL REVISION APPLICATION (ST) NO. 158 OF 2018

Vira Chatur Kripalani

...Applicant

Versus

Chatur Tahilram Kripalani & anr

...Respondents

Mr. P. J. Thorat, for the Applicant.

CORAM: M. S. SONAK, J

DATED: 18th December, 2018

PC:-

1. Mr. Thorat, the learned Counsel for the applicant states that the respondent has been duly served in the matter.
2. There are detailed averments in the application seeking condonation of delay. No reply has been filed by the respondent despite service to counter the cause shown in case. Mr. Thorat points out that against the impugned order the applicant had instituted Family Court Appeal within the prescribed period of limitation. The appeal was dismissed on 25th January, 2018 as not maintainable. Soon thereafter i.e. 15th February, 2018, the present revision application came to be instituted along with application for condonation of delay.
3. In this case, although the delay is of almost three years, there is sufficient cause for condonation of such delay. In such

matters it is not the length of the delay but the quality of explanation which is most relevant. There is nothing on record to indicate that the applicant was pursuing her remedy of appeal, malafide.

4. Taking into consideration the aforesaid facts and circumstances, the delay in institution of Criminal Revision Application is condoned. Criminal Misc. Application NO.169 of 2018 is accordingly disposed of.

5. Place the Criminal Revision Application for admission on 14th January, 2019.

6. The applicant once again to serve the respondent by private service and thereafter file affidavit of service. At the request of the applicant, notice to be issued by Registry, as well. The applicant to take necessary steps in that regard.

[M. S. SONAK J.]