

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

CRIMINAL WRIT PETITION NO.173 OF 2018

(Babarao s/o Dhondbaji Dandekar .vs.. Sau. Manisha Babarao Dandekar and another)

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

Court's or Judge's orders

Shri S.S. Joshi, Counsel for the petitioner.

CORAM : ROHIT B. DEO, J.

DATED : 09-04-2018

The petition is not only conceived, but is an abuse of the process of law.

2. The petitioner is challenging order dated 13-11-2009 passed by the learned Judicial Magistrate First Class, Corporation Court 1, Nagpur in Criminal Complaint Case 1638/2007, by and under which the respondents are granted maintenance of Rs.9,000/-. The said order was challenged in Criminal Appeal 235/2009 which came to be rejected by the learned District and Sessions Judge-9, Nagpur on 11-5-2012.

3. The petitioner conveniently and blissfully slept over the matter till the respondents moved the learned Magistrate for altercation/enhancement of maintenance under Section 25 of the Protection of Women from Domestic Violence Act in September 2017. It was then, that the petitioner woke up from the deep slumber and has approached this Court seeking to assail the order of

the learned Magistrate which is passed on 13-11-2009.

4. The conscience of this Court is satisfied that the petition deserves to be dismissed on the short ground that the same is hit by extra ordinary and abnormal delay tantamounting to laches, and is an abuse of the process of the law.

5. The petition is dismissed with costs.

JUDGE

adgokar