

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

**CRIMINAL APPLICATION NO.59/2018
IN
CRIMINAL REVISION (ST)NO.73/2018**

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
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Advocate Mr. VR Kastle for applicant.
Advocate Mr. Abhijeet D. Sarwate for Respondent.

**CORAM : K. K. TATED, J
DATE : JULY 24, 2019.**

P.C.:

Heard learned counsel for parties.

2. By this application, applicant is seeking condonation of 212 days delay in filing Criminal Revision Application, challenging Judgment and Order passed by the Family Court, Pune dated 30.3.2017 in P.A.No. 667/2010 and P.E.No.211/2010.

3. Learned Advocate for applicant submits that though respondent is duly served no one appeared on her behalf.

4. Learned Advocate for applicant submits that, there is delay in filing application for want of financial assistance. Learned advocate for applicant submits that for want of knowledge about filing Revision before this Court, it remained on the part of applicant to file the same immediately. He submits that they have good chance of success. He submits that in the interest of justice, this Court be pleased to condone the delay in filing Revision. He further submits that even in present proceeding Respondent/husband also filed Criminal Revision Application challenging same Judgment and Decree passed by the Family Court. There was delay on the part of husband to file revision. Hence, they preferred Criminal Application No.252/2018. Same was allowed by this court today only. He submits that in the interest of justice, this Court be pleased to hear the same on merits.

5 On the other hand, learned Advocate for Respondent, vehemently opposed the application. He submits that applicant failed to disclose sufficient cause of 212

days delay in filing civil application. He submits that the reasons given by applicant in para 4-B are not correct. He submits that there was no arrears of maintenance charges. Therefore, there is no question of believing para 4-B. He submits that in para 4 as applicant has stated that for want of knowledge it remained on their part to file the revision in time. He submits that that can not be a ground for condoning delay.

6 Learned counsel for Respondent submits that applicant stated that delay was not intentional but same was caused for want of knowledge of legal provisions and procedures applicant could not approach her counsel and give proper instructions. He submits that that cannot be a ground to condone delay. There is no substance in present application and same be dismissed with costs.

7. Heard the counsel for parties. It is to be noted that, same Judgment and decree passed by the Family Court Pune in Petition A-667/2011 challenged by respondent/husband by filing criminal revision. There was delay in filing

application. Hence respondent preferred Criminal Application No.52/2018. That was allowed by this court.

8. Considering these facts and the reasons disclosed by applicant and as law laid down by the Apex Court, I am satisfied that applicant has made out a case for allowing this application. Hence the following order.

- a) Delay in filing revision is condoned.
- b) No order as to cost.

(K.K.TATED, J.)