

Bhogale

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
INTERIM APPLICATION NO.424 OF 2021
IN
CRIMINAL REVISION APPLICATION NO.23 OF 2021**

Vijay Sajjankumar Tibrewal .. Applicant
vs.

Shweta Vinay Tibrewal .. Respondent

Mr. Akhil Kupade I/b. Manoj Harit and Company for the Applicant.

Mr. Anand Mishra I/b. Mr. Ashok M. Saraogi for the Respondent.

Mr. N.B. Patil, APP for the State.

CORAM : M.S.KARNIK, J.

DATE : JULY 20, 2021

(THROUGH V.C.)

P.C.

Heard learned counsel for the parties.

2. According to learned counsel for the Applicant-husband there is a delay of 166 days in filing the Criminal Revision Application in challenging the order dated 17.12.2020 of the 67th Metropolitan Magistrate Court, Boriwali issuing distress warrant. The order dated 02.07.2019 passed by the Sessions Judge, Dindoshi dismissing the Criminal Appeal filed by him against the order of awarding maintenance which according to learned counsel for the Applicant is very high and unjustified is also under challenged. Mr. Mishra, learned counsel for the Respondent opposed the application and submits that the delay is in fact of 1 year and 106 days.

3. I have gone through the reasons mentioned in the application for condonation of delay and the additional affidavit filed by the Applicant. Even considering the delay is of 1 year and 106 days in filing the application, in my opinion, for the reasons mentioned in the application, the delay deserves to be condoned despite strong objection of Mr. Mishra, subject however to payment of cost of Rs.10,000/- payable by Applicant to the Respondent. The cost to be paid to the Respondent-wife within a period of four weeks from today.

4. The Application is allowed and accordingly disposed of. The delay is condoned.

(M.S.KARNIK, J.)