

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

CRIMINAL APPLICATION (APPR) NO.103 OF 2020

(Smt. Rajshree w/o Praddeep Raut and another Vs. Pradeep s/o Narayanrao Raut)

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

Court's or Judge's orders.

Mrs. S.K. Paunikar, Advocate for Applicants.
Mr. N.B. Kalwaghe, Advocate for Non-Applicant.

CORAM: ROHIT B. DEO, J.

DATE: 17th JULY, 2021.

Hearing was conducted through video conferencing and the learned counsel agreed that the audio and visual quality was proper.

2. This is an application for condonation of 3179 days in preferring revision against the judgment dated 09.01.2012 rendered by the Family Court, whereby the application preferred by the applicants under Section 127 of the Criminal Procedure Code is dismissed and the application under the same provision preferred by the non-applicant husband is allowed, to the extent of the maintenance granted to applicant 1 wife.

3. I note from the additional affidavit that according to the applicant 1 wife there are change in circumstances. Illustratively, according to her she is no more a LIC Agent, which weighed with the court while cancelling the maintenance.

4. It would not be necessary to make any observation on merit. However, it shall be open for the applicant to approach the appropriate court seeking maintenance due to change in circumstances. The learned counsel for the non-applicant husband Mr. Kalwaghe fairly does not dispute the position of law.

5. While it would be difficult to condone the delay, which is a rather inordinate, this application is disposed of with liberty to the applicant 1 to take appropriate steps before the appropriate forum, if she is entitled to maintenance due to change in circumstances. Needless to say, if such an application is preferred, within the next 60 days, the same shall be decided by the jurisdictional court within four months from the date of filing.

6. The application is disposed of.

JUDGE