

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

CRIMINAL APPLICATION (APPP) NO.1883 OF 2019
IN
CRIMINAL APPLICATION (APPW) NO.293 OF 2019
IN
CRIMINAL WRIT PETITION NO.630 OF 2018

(Arvind s/o Bhaudas Khobragade Vs. Priti w/o Arvind Khobragade)

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

Court's or Judge's orders.

Mr. G. G. Bade, Advocate for Applicant.
Mr. B. M. Kharkate, Advocate for Respondent.

CORAM: ROHIT B. DEO, J.

DATE: 22nd SEPTEMBER, 2021.

This application seeks condonation of delay in preferring an application for recalling of judgment dated 26.03.2019 rendered by this Court (Coram: Mrs. Swapna Joshi, J.) in Criminal Writ Petition 630/2018.

2. Apart from the contents of the application seeking condonation of delay, I have also perused the ground raised in the recalling application.

3. I am satisfied that there is absolutely no case made out for recalling the order rendered in the writ petition, which is passed after hearing the contesting parties. The ground is that this Court failed to appreciate the conduct of the respondent which resulted in break down

of marriage. No other ground is raised. The ground is absolutely frivolous and the judgment of which the recall is sought is well reasoned.

4. The application seeking condonation of delay is therefore, rejected since the main application itself is absolutely frivolous. That apart, there is no justification whatsoever in the application seeking condonation of delay, for the delay of 817 days and the only statement is that the learned counsel was under the impression that the enhanced maintenance was temporary. Why the learned counsel was under such impression, is best known to him. In any event, the impression of the learned counsel can hardly be a ground for condoning delay.

5. The application is dismissed.

JUDGE