

**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

**902 CRIMINAL APPLICATION NO.151 OF 2021
IN
REVN (ST)/440/2021**

**MANISH PRABHAKAR SONI
VERSUS
DEEPIKA W/O. MANISH SONI**

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Advocate for Applicant : Mr.Desale Nilesh N.

Advocate for Respondent : Mr. Harshal Prakash Randhir

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**CORAM : M. G. SEWLIKAR, J.
DATE : 11th MARCH, 2022.**

PER COURT :

1. Heard Mr. Desle, the learned counsel for the applicant and Mr. Randhir, the learned counsel for the respondent.

2. The delay of 531 days is committed in preferring the revision. According to Mr. Desle, the applicant did not get the notice of the revision before the Sessions Court. Therefore, he could not cause his appearance in the revision. The moment he got the knowledge of passing of the order, he preferred the revision. He therefore, prays for condonation of delay. He submits that if the delay is condoned, he is ready to deposit Rs. 50,000/-, towards half of the arrears of maintenance. He submits that in terms of the orders of this Court, amount of Rs. 50,000/- towards arrears of maintenance has been deposited in the trial Court.

3. Mr. Randhir, learned counsel for the respondent submits that the record of the Sessions Court shows that the applicant was served with summons, but he refused to accept it. Therefore, it does not lie in his mouth now to say that the applicant was not served with summons.

4. It appears that the applicant was not served with summons. Therefore, in order to have the decision on merits, it would be appropriate to allow the revision, subject to deposit of Rs. 50,000/- towards arrears of maintenance.

5. Shri Randhir, learned counsel for the respondent submits that till today the arrears of maintenance are Rs. 2,15,000/-. He admits that Rs. 50,000/- has been deposited in the trial Court.

6. Thus, if the applicant is directed to deposit Rs. 50,000/- towards the arrears of maintenance, the total amount will be Rs. 1,00,000/-, that will close to half of the arrears of the amount of maintenance.

7. In view of this, I deem it appropriate to pass following order :

ORDER

- a. Delay of 531 days is condoned subject to depositing of Rs. 50,000/-, (Rupees Fifty Thousand

Only) by the applicant towards the arrears of maintenance, in the trial Court within four weeks.

b. Only on depositing of amount of Rs. 50,000/- (Rupees Fifty Thousand Only) in the trial Court, the registry shall send the writ to the trial Court.

c. On depositing of amount, the learned trial Court shall decide the revision within a period of three months from the date of receipt of the writ by the trial Court.

d. With these observations the application stands disposed of.

(M. G. SEWLIKAR, J.)