

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

941 CRIMINAL WRIT PETITION NO.871 OF 2022

**DNYANOBA PANDHARINATH YACHAWAD
VERSUS
SUNITA W/O. DNYANOBA YACHAWAD**

Mr. Pavan P. Uttarwar, Advocate for the petitioner
Mr. Anand V. (Indrale) Patil, Advocate for respondent

CORAM : KISHORE C. SANT, J.

DATE : 21st DECEMBER, 2022

P. C.

1. Heard the learned advocate for the parties.
2. The challenge in this petition is to an order dated 28-03-2022 passed by the learned Additional Sessions Judge in Cri.MA No. 10/2021 rejecting an application seeking condonation of delay that was caused in filing the revision application challenging the order of maintenance of Rs.1200/- per months to the respondent wife by order dated 19-08-2019. Delay was stated to be mainly because of Corona virus and the guide lines issued by the court. It is the case of the applicant that the judgment and order was of August, 2019 and till March, 2019 he could not file revision. He submits that the delay is only of around 5 to 6 months excluding corona period. Considering

this, delay ought to have been condoned. If the delay is not condoned, he would be remedy less.

3. Learned advocate for the respondent wife submits that though there is an order passed on 19-08-2019 granting of meager maintenance, still the petitioner has not paid any amount to the wife. Considering this approach, he does not deserve any relief. He prays that at least the petitioner be directed to deposit 50% of the amount and some cost.

4. Considering the reason for delay, this court finds that the delay ought to have been condoned. At the same time, it is necessary to see the conduct of the petitioner that he has not deposited any amount towards arrears of maintenance which is lesser than Rs.75,000/-. This court, therefore, finds that interest of justice would be met by directing the the petitioner-husband to deposit 50% of the amount of maintenance and Rs. 10,000/- towards cost. Hence, the following order:

ORDER

i] The petition is allowed.

ii] The impugned order dated 28-03-2022 passed by the learned District Judge, Udgir in Criminal Misc. Application No. 10/2021 is quashed and set aside.

(3)

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iii] Criminal Misc. Application No.10/2021 is allowed subject to depositing cost of Rs.10,000/- in this court and further condition that the petitioner shall deposit 50% of the amount of arrears as on today within a period of four weeks in this court.

[KISHORE C. SANT, J.]

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