

2. The petitioner had preferred an appeal before the Court of Sessions challenging the order dated 21.05.2018 passed by Learned JMFC 2nd Court, Nashik Road. Vide judgment and order dated 21.05.2018 the petitioner was directed to pay maintenance of Rs. 5,000/- to the respondent No.2 and Rs. 3,000/- to

respondent No.3 per months from 18.07.2016. The petitioner was also directed to pay compensation of Rs. 2,00,000/- to respondent Nos. 2 and 3.

3. There was delay of about 11 months in preferring appeal before the Sessions Court challenging the order dated 21.05.2018. The petitioner preferred application for condonation of delay. The said application was rejected by Additional Sessions Judge, Nashik by order dated 05.07.2019.

4. Learned advocate for the petitioner submits that the petitioner is labourer. He was required to go out of village. There was communication gap between him and his advocate. The petitioner could not file appeal. The mother of petitioner was hospitalised. The petitioner was under treatment. The petitioner has been paying maintenance. The delay in preferring appeal may be condoned. The applicant has so far deposited the amount of Rs.3,54,000/-. Learned advocate on instructions from the petitioner, who is

present in the court, it is submitted that the amount of Rs. 1,50,000/- would be deposited before the trial Court within a period of 4 weeks from today towards maintenance.

5. Order dated 21.08.2019 records that the petitioner is ready to deposit Rs. 1,00,000/- within four weeks. Notice was issued to respondent. Order dated 10.12.2019 records that petitioner deposited Rs. 1,00,000/-, pursuant to order dated 21.08.2019. Considering the submissions of learned advocate for petitioner and explanation for delay, the petitioner will have to be permitted to contest the appeal on merits. The delay is required to be condoned in the interest of justice.

ORDER

(i) Order dated 05.07.2019 passed below exhibit-1 in Criminal M.A. No. 118 of 2019 rejecting prayer for condonation of delay in preferring the appeal is set aside and the delay in preferring the appeal is condoned.

(ii) The appeal preferred by petitioner challenging the order dated 21.05.2018 passed by learned JMFC 2nd Court, Nashik Road be heard and disposed of on merits in accordance with law.

(iii) Both the parties are directed to appear before the Sessions Court on 17.08.2022.

(iv) The petitioner shall deposit amount of Rs. 1,50,000/- before the Court of JMFC 2nd Court, Nashik Road within a period of 4 weeks from today.

(v) Petition stands disposed of.

(PRAKASH D. NAIK, J.)