

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

CRIMINAL APPLICATION (APPR) NO.47 OF 2020

IN

CRIMINAL REVISION APPLICATION NO.35 OF 2020

(Shri Vinod Mahadeo Adde Vs. Sau. Vrushali Vinod Adde (dead), Kumar Dwarkesh Vinod Adde)

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri S.A. Radke, Advocate for the applicant.
Shri R.J. Patil, Advocate for respondent No.2.

CORAM:- AVINASH G. GHAROTE, J.

DATED :- JANUARY 12, 2022

Criminal Application No.47 of 2020 seeks condonation of delay of 412 days in filing Criminal Revision Application. Though, the application is opposed by the learned counsel for the respondent No.2, however, considering the reasons given, the application is allowed. The delay is condoned.

CRIMINAL REVISION APPLICATION NO.35 OF 2020

2. Since the application for condonation of delay was not noticed on earlier date of hearing, an order came to be passed on 10.01.2022, whereby the petition in so far as it challenges the order below Exh. 21 dated 26.09.2018 was rejected. Considering the same was passed without noticing the application for condonation of delay, the order dated 10.01.2021 is hereby recalled.

3. Heard learned counsels for the parties on the revision. Since the order dated 26.09.2018 passed below Exh.21 merely permits the grandmother of the respondent No.2, to act as the next friend to continue the proceedings, on demise of the mother/respondent No.1 and since the father is an adversary in the proceedings, I do not see any infirmity in the order below Exh.21.

4. In so far as the order dated 27.11.2019 below Exh.25 is concerned, the same directs the deduction of Rs.25,000/- from the salary of the applicant, on account of non payment of arrears of maintenance. In pursuance to the order dated 21.02.2020 recording the undertaking of the applicant to deposit Rs.50,000/- towards maintenance which deposit has been recorded in the Farad Sheet dated 28.07.2021, the order dated 27.11.2019 substantially stands complied with, considering which, nothing survives in the petition. The same is accordingly disposed of, in view of what has been stated above.

5. Any grievance which the respondent No.2 may have regarding arrears of maintenance can be aired in appropriate proceedings, which the learned counsel for the respondent No. 2 states to have already been filed.