

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

CRIMINAL REVISION APPLICATION NO.182/2019

Kunal s/o Shriram Dange and another

...Versus...

Sheetal w/o Kunal Dange

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

Court's or Judge's orders

Shri O.R. Deshpande, Advocate for applicants
Shri Amit C. Shende, Advocate for respondent

CORAM : AVINASH G. GHAROTE, J.

DATE : 02/03/2022

1. Shri Shende, learned Counsel for the respondent, at the outset, submits that the applicant - Kunal, is in arrears of maintenance to the tune of Rs.03,85,000/-, which is countered by Shri Deshpande, learned Counsel for the applicants, stating that the arrears are only of Rs.85,000/-. He further makes a statement, upon instructions, that if some time is given, the arrears amounting to Rs.85,000/- would be paid off by his client. He submits that four months would be sufficient for the applicant - Kunal to clear the arrears.

2. The statement is accepted and it is directed that the applicant - Kunal shall clear the arrears, which according to him, are Rs.85,000/-, within a period of four months from today. Regarding the other balance of arrears, since there is a dispute and the proceedings for its recovery are already pending, the parties are at liberty to thrash it out in those

proceedings.

3. In so far as the merits of the matter is concerned, by the impugned order dated 11/07/2019, the learned District Judge – 1 rejects the application for condonation of delay of 49 days on the ground that no *bona fide* reason was given. The application for condonation of delay indicates that the applicant - Kunal was hospitalized for dengue treatment. The documents in this regard have been placed on record before this Court, which indicate that for the duration from 07/12/2018 to 12/12/2018, the applicant was admitted in Wockhardt Hospital, Nagpur for the treatment and thereafter was advised to take rest till 01/02/2019.

4. Considering the quantum of the delay and the explanation given above, the impugned order dated 11/07/2019 is quashed and set aside. The application for condonation of delay is hereby allowed and the matter is directed to be registered by the learned Sessions Court for decision, according to law.

5. The Criminal Revision Application is allowed and disposed of accordingly.

(AVINASH G. GHAROTE, J.)