

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

CRIMINAL WRIT PETITION NO.356 OF 2023

**ABHILASH VILAS GORE
VERSUS
ROHINI ABHILASH GORE AND OTHERS**

Mr. V. T. Patil, Advocate for the petitioner
Mr. J. A. Menezes, Advocate for respondent No.1.

**CORAM : R. M. JOSHI, J.
DATE : 28th JUNE, 2023**

P.C.:-

1. Rule.
2. By consent of both sides heard finally at the admission stage.
3. Heard learned counsels for respective parties.
4. This petition takes exception to order dated 02/03/2023 passed by learned Addl. Sessions Judge, Aurangabad on Exhibit 11 in PWDV Appeal No. 90/2022 filed by the respondents against order passed by Magistrate dated 04/05/2022 in PWDV Appeal No. 268/2021.
5. Petitioner is respondent No.1 in an Appeal filed before Sessions Court, Aurangabad. An application was filed by petitioner vide Exhibit 11, before the said Court, for dismissal of appeal for filing of the same beyond limitation. Learned Judge, passed following order on this application.

“Be kept for decision along with main appeal.”

6. Impugned order indicates that the contention of the petitioner is not rejected by the said Court. It is always open for the petitioner to substantiate the said objection at the time of hearing of appeal. Hence, no prejudice much less irreparable loss is caused to the petitioner, by passing of impugned order.

7. Having regard to the scope of Appeal in the light of nature of proceeding filed under Protection of Woman's from Domestic Violence Act (DV Act), learned Addl. Sessions Judge can be directed to decide appeal expeditiously. This will take care of the grievance of petitioner. Hence petition is dismissed. Learned Addl. Sessions Judge to decide appeal being PWDV Appeal No. 90/2022 expeditiously.

8. Rule stands discharged.

(R. M. JOSHI, J.)

ssp