

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

23 CRIMINAL APPLICATION NO.1570 OF 2023
IN
REVISION STAMP NO.4101 OF 2023

POOJA KAPIL JAISWAL AND ANOTHER
VERSUS
KAPIL MADANLAL JAISWAL

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Advocate for Applicants : Mr. Harshal Prakash Randhir
Advocate for Respondent : Mr. R.N. Chavan h/f V. A. Bagdiya

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CORAM : S. G. CHAPALGAONKAR, J.
Dated: October 31, 2023

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PER COURT :-

1. This is an application seeking condonation of delay of 303 days caused in filing the revision application challenging the order dated 18.10.2021 passed by the learned Judge, Family Court, Jalgaon in E-Petition No.225 of 2019.

2. Learned counsel appearing for the applicants would submit that the applicant no.1 is deserted wife. Applicant no.2 is her son. Proceeding was instituted for grant of maintenance under section 125 of the Cr.P.C. before the Family Court at Jalgaon. However, it has been rejected on erroneous count. The applicant for want of financial support could not approach this Court in time. As such, delay is unintentional.

3. Learned advocate appearing for the respondent strongly opposed the prayer. He would submit that there is no explanation for inordinate delay of 303 days.

4. Having considered the submissions advanced, it can be seen that claim of the applicant wife and minor son for grant of maintenance has been rejected. Even, it is averred that the applicant has no other source of income. Delay is on account of financial abuse exerted by the respondent-husband.

5. In that view of the matter, case is made out to condone the delay. Hence, the order.

ORDER

- i. The application is allowed.
- ii. The delay of 303 days caused in filing the revision application against the order dated 18.10.2021 passed by the learned Judge, Family Court, Jalgaon is hereby condoned.
- iii. Criminal application is accordingly disposed off.
- iv. Revision application be registered.

(S. G. CHAPALGAONKAR, J.)

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