

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

949 CRIMINAL APPLICATION NO.2383 OF 2023
IN REVNST/6414/2023

DEVENDRA S/O SHIVAJI AATHKHILE
VERSUS
VANDANA DEVENDRA AATHKHILE AND ANOTHER

...

Advocate for Applicant : Ms. Jamdhade Maya Ramrao
Adv. for Respondents: Mr. G.G. Suryawanshi.

CORAM : S.G. CHAPALGAONKAR, J.

DATE : 1st SEPTEMBER, 2023

ORDER :-

By way of present application the applicant seeks to condone the delay of 166 days caused in filing the revision application against the judgment and order dated 3.10.2022 passed by the Family Court, Nanded in Petition E-125/2020.

2. Ms. Jamdhade, learned advocate appearing for the applicant would submit that the impugned order is passed behind the back of the applicant. He was not aware about the order. As soon as he came to know about the order, necessary steps were taken for obtaining certified copy, then the present application is filed. The applicant has a strong case on merit. Therefore, it would be appropriate to condone the delay considering the challenge on merit.

3. Mr. Suryawanshi, learned counsel for respondent strongly

opposes the prayers. He would submit that the applicant has conveniently avoided to attend the court when he was served with the notice of the proceeding before the family court. The delay of 166 days is not at all explained. Therefore, he submits that the application deserves to be rejected.

4. Having considered the submissions advanced, and the reasons stated in para.5 to 7 of the application, sufficient cause is made out. However, it would be appropriate to compensate the respondent by saddling some costs. Hence, the order :-

O R D E R

[I] The application is allowed.

[ii] The delay of 166 days caused in filing the revision applicant is condoned, subject to condition that the applicant deposits an amount of Rs. 3,000/- (rupees three thousand only) with the Family Court, Nanded, within a period of 3 weeks.

[iii] On deposit of said amount respondent shall be entitled to withdraw the same.

[iv] Place the matter for further consideration on 15.9.2023.

[S.G. CHAPALGAONKAR]
JUDGE

grt/-