

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

**CRIMINAL APPLICATION NO.2857 OF 2022  
IN  
CRIMINAL REVISION APPLICATION NO.7810 OF 2022**

**MAHESH SUVALAL SURANA AND ANR.  
VERSUS  
ASHWINI MAHESH SURANA AND ANR.**

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Advocate for Applicants : Mr. A. S. Gandhi  
Advocate for Respondents: Mr. S. R. Shirsath

...

**CORAM : S. G. CHAPALGAONKAR, J.**

**DATE : 12.09.2023**

**PER COURT :**

1. By this application, the applicants seek to condone the delay of 86 days caused in filing the criminal revision application, thereby assailing the judgment and order dated 09/07/2020, passed by the learned Sessions Judge, Ahmednagar, in Criminal Appeal No.18/2018.
2. Mr. Gandhi, learned Advocate appearing for the applicant would submit that because of pandemic situation and lock-down, the delay has been occasioned in filing the present application. He would submit that the limitation was freezed by the order of the Supreme Court of India till March-2022. Thereafter, present application is filed. There is a marginal delay, which is not intentional.

3. Per contra, Mr. Shirsath, learned Advocate appearing for the respondents would highlight the conduct of the respondents. He would point out that till this date, respondents have not deposited any amount in pursuance of the order impugned.
4. Considering the submissions advanced and reasons as stated above, though the explanation for delay is bereft to make out sufficient cause, however, considering the nature of dispute, it would be appropriate to condone the delay, subject to compensatory costs to be paid to the respondents. Hence, the following order:

**ORDER**

- (i) Criminal Application is allowed.
  - (ii) Delay of 86 days caused in filing the criminal revision application against the judgment and order dated 09/07/2020, passed by the learned Sessions Judge, Ahmednagar in Criminal Appeal No.18/2018 is condoned, subject to condition that applicant pays the cost of Rs.10,000/- [Ten Thousand Only] to the respondents within a period of four weeks from today.
  - (iii) Cost to be deposited before the Family Court, Ahmednagar.
  - (iv) On deposit of cost amount, the respondents shall be entitled to withdraw the same.
5. Post the matter for further consideration on 25/10/2023.
  6. Interim relief granted earlier to continue till then.

**[S. G. CHAPALGAONKAR]  
JUDGE**