

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

19 CRIMINAL APPLICATION NO.3487 OF 2022
IN
CRIMINAL REVISION STAMP NO.9694 OF 2022

SHAIKH AHMED SHAIKH RASOOL
VERSUS
NASIM BEGUM W/O. SHAIKH AHMED

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Advocate for Applicant : Ms.Sayali Tarkasband h/f Mr. A.S.
Shejwal

Advocate for Respondent : Mr. V.M. Lomte

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

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PER COURT :-

1. By this application, the applicant seeks to condone the delay of 275 days caused in filing the revision application assailing the order dated 1.1.2022 in Cri. Misc. Application no.20 of 2019 by the learned Principal Judge, Family Court, Aurangabad.

2. Learned advocate appearing for the applicant submits that the delay caused in filing the revision application is unintentional. The applicant resides in remote area. There was communication gap between the applicant and his advocate, who was dealing the proceeding before the Family Court, at Aurangabad. The applicant has strong grounds on merit. Hence, she urges to condone the delay.

aaa/-

3. Mr. Lomte, learned advocate appearing for the respondent vehemently opposed the prayer. He would submit that the application sans adequate reasons to condone the delay. Although, applicant states that he had no knowledge about the impugned order, further averments regarding date of getting knowledge of the order are absent. The application is filed only with intention to drag the proceedings.

4. Having considered the submissions advanced, it appears that the applicant is aged about 68 years and resides in the remote area of Taluka Gangpur, District Aurangabad. The proceeding was instituted at Family Court, Aurangabad. The applicant submit that because of of his ill-health and communication gap, delay has been occurred. It is true that necessary particulars to explain delay are absent in the pleadings. However, considering the age of the applicant and nature of dispute, it would be appropriate to condone the delay by compensating the respondent in terms of costs to be paid by the applicant. Hence, the order.

ORDER

- i. The application is allowed.
- ii. Delay of 275 days caused in filing the application challenging the order dated 1.1.2022 passed by the learned Principal Judge, Family Court, Aurangabad is condoned subject to condition that the applicant pays the costs of Rs.3,000/- (Rs. Three Thousand) to the

respondent within a period of four weeks from today. The costs be deposited with the family Court, Aurangabad.

- iii. Application is accordingly disposed off.
- iv. Criminal Revision application be registered.

(S. G. CHAPALGAONKAR, J.)

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