

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (APPR) NO. 433 OF 2022
IN
CRIMINAL REVISION APPLICATION (REVN) (ST.) NO. 10218 OF 2022
Mohd. Waseem S/o. Mohd. Gulam Sabir
.VS.
Shabnum Fatema W/o. Mohd. Waseem

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions Court's or Judge's orders.
and Registrar's Orders.

Mr S. I. Ghatte, Advocate for the applicant
Mr Sanket Bhalerao, Advocate for the non-applicant

CORAM : G.A. SANAP, J.
DATE : JULY 27, 2023.

Heard.

2. This is an application for condonation of 382 days delay caused in filing the revision against the judgment and order dated 01.12.2021 passed by the learned Judge of the Family Court, Nagpur.

3. Learned Advocate for the applicant submitted that the grounds stated in the application are sufficient to condone the delay. Learned Advocate for the non-applicant submitted that in terms of the order dated 01.12.2021, the applicant has not paid the arrears. Learned Advocate further submitted that in execution application warrant has been

issued against the applicant. Learned Advocate for the applicant, on instructions, submitted that the applicant is ready to deposit Rs.3,00,000/- within ten days from today towards the arrears. Learned Advocate further submitted that subject to deposit of Rs.3,00,000/- towards arrears the warrant issued against him may be stayed.

4. In my view, considering the nature of dispute and the fact that the non-applicant/wife has applied for execution it would be just and proper to condone the delay subject to a condition that the applicant shall deposit Rs.3,00,000/- within ten days. Accordingly, the application for condonation of delay is **allowed**.

5. The delay of 382 days caused in filing the revision is condoned subject to condition that the applicant/husband shall deposit Rs.3,00,000/- within ten days from today in the Family Court, Nagpur. If he fails to deposit the amount of Rs.3,00,000/- within ten days the application for condonation delay shall stand automatically dismissed.

6. In view of the above, the warrant issued against the applicant for recovery of the arrears shall remain stayed until further orders. The non-applicant/wife is at liberty to proceed further before the Family Court for recovery of the

remaining arrears.

7. The revision application be registered.

8. The criminal application stands **disposed of** accordingly.

**CRIMINAL REVISION APPLICATION (REVN) (ST.) NO. 10218
OF 2022**

9. Heard.

10. After registration of revision, issue notice to the non-applicants, returnable on **17.08.2023**.

11. Learned Advocate Mr Sanket Bhalerao waives service of notice on behalf of non-applicant.

12. Time till 17.08.2023 is granted for filing reply, if any.

(G. A. SANAP, J.)

Namrata