

Iresh

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 3816 OF 2024

Gautami Amol Todkar

.....Petitioner

Vs.

The State of Maharashtra and anr

.....Respondents

Mr. Saleel Borwandkar for the petitioner

Mr. A. R. Metkari APP for the State

CORAM : GAURI GODSE, J.

DATE : 9th SEPTEMBER 2024

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ORDER:

1. This petition takes an exception to the order passed by the Sessions Court condoning the delay of 87 days in filing the appeal preferred by respondent no. 2 ("respondent"). The appeal was filed for challenging the interim order passed under the proceedings initiated by the wife in the proceedings under The Protection of Women from Domestic Violence Act, 2005 ('DV Act').

2. Learned counsel for the petitioner submits that the respondent has given vague explanations for the delay. He submits that the

respondent's intention to file the appeal is only to protract the hearing of the main DV Act proceedings. He further takes exception to the reasons recorded in the impugned order for condonation of delay. He submits that though various decisions were relied upon to point out the settled legal principles by the Apex Court for condonation of delay, the learned Judge has ignored the well settled legal principles. He submits that the learned Judge has given general reasons regarding the difficulties faced by the respondent and has condoned the delay. He submits that if the application for condonation of delay is perused, there are no sufficient and justifiable grounds mentioned for condonation of delay. He submits that by ignoring the vague reasons given in the application and by not properly appreciating the well settled legal principles, learned Sessions Judge has passed the order only on equity by directing the respondent to pay cost.

3. To examine the grounds raised on behalf of the petitioner, I have perused the papers of the petition. Learned Sessions Judge has in detail discussed the reasons given by the respondent for condonation of delay as well as the grounds of opposition raised by the petitioner. All the decisions relied upon by the petitioner to point out the well settled legal principles regarding condonation of delay have been

discussed by the learned Judge.

4. In paragraph 26 of the impugned order, the learned Judge has recorded the submissions made on behalf of the petitioner that in the event the Court comes to the conclusion to condone the delay, a request was made to direct the respondent to pay cost of Rs. 25,000/- . The learned Judge by considering the submissions made on behalf of both parties, has condoned the delay of 87 days subject to payment of cost of Rs. 25,000/-.

5. I do not find any illegality or perversity in the reasons recorded in the impugned order. This is not a fit case to exercise powers under Article 227 of the Constitution of India.

6. The petition is devoid of any merits. Hence, the petition is dismissed.

[GAURI GODSE, J.]