



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

CRIMINAL APPLICATION NO.175 OF 2021

(Sunanda Narayanrao Deshmukh Vs. Balmukund Pandurang Bhirad)

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. A.B. Mirza, Advocate for the appellant.

CORAM:- URMILA JOSHI-PHALKE, J.

DATED :- JULY 23, 2024

By this application, the appellant is seeking condonation of delay on the ground that the appellant is 66 years old lady and handed over her matter to the Counsel at Akola who assured her that as and when her presence is required he will inform her. Accordingly, he has not informed her and the matter was dismissed in default due to her absence. Thereafter there was a lockdown, and therefore, she could not contact and obtained certified copy, and therefore, the delay of 1154 days is caused.

2. Heard learned Counsel for the appellant.

3. Perused the reasons mentioned in the application, considering that the delay is properly explained by the appellant. Hence, the application deserves to be allowed.

4. Moreover, it is well settled that while considering the delay application, liberal approach is to be taken and pedantic approach is not appreciated. However,

considering the inordinate delay, costs is to be imposed.

5. In view of that, the application is allowed and the delay is condoned subject to the costs of Rs.5000/-.

6. The appellant shall deposit the said costs within one month in this Court.

7. On depositing the costs, the application for leave to file appeal be registered.

(URMILA JOSHI-PHALKE, J.)

**Divya*