



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

CRIMINAL APPLICATION (APPR) NO.317 OF 2023 IN
CRIMINAL REVISION APPLICATION STAMP NO.7180 OF 2023
Nilesh Nandlal Parakh Vs. Sweta W/o Nilesh Parakh and another

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

Court's or Judge's orders.

Shri R.P. Dixit, Advocate for applicant.
Shri R.S. Akbani, Advocate for non-applicant nos.1 and 2.

CORAM : M.W. CHANDWANI, J.
DATE : JANUARY 29, 2024.

Heard.

2. The applicant seeks condonation of delay of 360 days in filing the revision.
3. The contention in the application is that the applicant was under bonafide impression that the matter before the Family Court is still pending. The counsel appearing before the Family Court has neither informed the applicant about passing of interim order nor has informed the applicant to file his Assets and Liabilities affidavit. That apart, the ground of illness of the applicant is also raised for not approaching this Court in time.
4. The application is strongly opposed by the learned counsel appearing for the non-applicants on the ground that the applicant has failed to file his Assets and Liability affidavit. The delay is deliberate one and sought rejection of the application.
5. Perusal of the impugned order goes to show that counsel

for applicant did not remain present before the trial Court for argument. This fact support the contention of learned counsel for applicant that counsel for applicant did not participate in the proceedings and even he did not intimate the applicant about passing of interim order. Thus, for the reasons mentioned in the application, the delay of 360 days in filing the revision application can be condoned. So far as inconvenience caused to the non-applicant is concerned, I think cost would suffice purpose. Hence, this order.

6. The application is allowed.

7. Delay of 360 days in filing the revision application is hereby condoned on payment of costs of Rs.10,000/- to the non-applicant.

8. Registry to register the revision application.

9. The application stands disposed of.

CRIMINAL REVISION APPLICATION ST. NO.7180 OF 2023

10. The interim order dated 25.05.2022 passed by the Family Court, Nagpur in H.M.P. No.E-177/2019 is under challenge in this application.

11. Issue notice to the non-applicants.

12. Shri Akbani, learned counsel waives service of notice for non-applicants.

13. Stand over two weeks.

JUDGE

Wagh