



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

CRIMINAL APPLICATION NO. 422 OF 2025

Amit Shriram Patnurkar,
Age : 42 Years, Occu. : Private Service,
R/o. 'Yogayog' 105, Chintamani Residency,
Ring Road, Chhatrapati Chowk, Nanded.

... Applicant

VERSUS

1. Vrushali Amit Patnurkar,
Vrushali Vidyadhar Pimparkar,
Age : 38 Years, Occu. : Beautician,
C/o. Vidhyadhar Pimparkar,
R/o. Opp. Maratha Seva Sadan,
Bhagya Nagar, Old Jalna,
Tq. & Dist. Jalna.

2. Atharva S/o. Shriram Patnurkar,
Age : 12 Years, Occu. : Student,
Under Guardianship of
Respondent No.1 Mother.

... Respondents

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Advocate for Applicant : Mr. Swapnil Joshi h/f J P Legal Associates
Advocate for Respondents : Ms. Kirti R. Deshpande

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CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 12th February, 2025

PRONOUNCED ON : 13th February, 2025

ORDER :

1. The present application is for condonation of delay of 85 days caused in filing criminal revision application.

2. Learned counsel for the applicant pointed out that, the present applicant is husband and respondent No.1 is wife and they have son. That, learned trial court passed ex-parte judgment and order dated 26.07.2024. That, the same is to be challenged before this court by filing revision application. However, there is delay of 85 days in filing revision application. That, delay is unintentional. Moreover, because of various reasons split out in paragraph Nos.3 to 6, according to learned counsel, learned trial court has proceeded to appreciate the evidence in absence of the applicant's evidence and thus, it is virtually an ex-parte judgment and order. Therefore, revision has been preferred, wherein there are good chances of success. However, there has been delay and the same is required to be condoned in the interest of justice.

3. Learned counsel for the respondent-wife strongly opposed the present application on the ground that, the applicant has deliberately avoided to participate in the proceedings. That, it was a tactic made by him in making the respondent-wife for wilful co-habitation and thereafter deserting her and therefore, huge arrears of maintenance accumulated at his end. So, here the applicant-husband seeks condonation of delay to question the order passed by learned trial court dated 26.07.2024.

4. Heard both the sides. On going through the papers, it seems that, reasons for delay in filing revision application are reflected in paragraph Nos.2 to 6 of the application. In the interest of fair opportunity, delay so caused is required to be condoned. Points agitated by the learned counsel for the respondent can be gone into at the time of hearing of revision application and not at this stage. Hence, following order is passed.

ORDER

1. The application is allowed.
2. Delay caused in filing revision application is hereby condoned.
3. Registry to verify and to register the criminal revision application.

[ABHAY S. WAGHWASE, J.]

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