



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

**CRIMINAL APPLICATION NO. 1153 OF 2024
IN REVNST/3024/2024**

1. Sunita W/o Aanand @ Trimbak Kharat
Age: 30 Years, Occu.: Housewife,
R/o. Ambedkar Nagar,
Aurangabad.
2. Oam s/o. Aanand Kharat
Age: 12 years, Occu.: Education,
R/o. Ambedkar Nagar, Aurangabad ..Applicants
(Ori. Petitioners)

Versus

1. Aanand @ Trimbak S/o Bajirao Kharat
Age: 37 years, Occu.: Job,
R/o. Galli No.8, Pundlik Nagar,
Mukundwadi, Aurangabad. ..Respondent
(Ori. Respondent)

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Advocate for Applicant : Ms.Amita D. Chate

APP for Respondent : Mr.Nilesh N.Bhagwat (appointed)

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CORAM : ABHAY S. WAGHWASE, J.

DATE : 20 MARCH, 2025

ORDER :

1. This is an application for condonation of delay of 1850 days
caused in filing criminal revision application.

2. Learned counsel submitted proceedings bearing no.E-140 of 2015, was instituted by the present applicants by invoking Section 125 of the Code of Criminal Procedure. That, by order dated 01-12-2016, learned Judge, Family Court, Aurangabad partly allowed the application. That, the applicants are intending to file criminal revision application against the aforesaid decision only to the extent of rejecting the total claim of applicants, but there is delay. That, the delay is due to illiteracy and inability to raise funds for payment of Court fees and therefore, delay being not intentional, prayers are raised for condonation of delay.

3. Learned counsel for the respondent opposed the application on the ground that false averments and contentions are raised. That, it is an attempt to get huge and inordinate delay condoned on false grounds. Therefore, there is strong objection for condoning the delay.

4. After hearing the submissions and on going through the papers, it is emerging that applicants instituted proceedings bearing no.E-140 of 2015 under Section 125 of the Code of Criminal

Procedure and by judgment and order dated 01-12-2016 said petition has been partly allowed by the learned Judge, Family Court, Aurangabad. Apparently, aforesaid judgment and order is passed on 01-12-2016 and now, after more than eight years, belated attempt is made to get huge delay condoned. Only two grounds are put-forth i.e. illiteracy and financial capacity. There is nothing concrete or in black and white in support of such two grounds that applicant is below poverty line or an illiterate person. Therefore, on mere averments, delay of more than eight years cannot be condoned. Hence, following order :

ORDER

(I) Criminal Application No.1153 of 2024 is rejected.

(II) Fees of the learned counsel appointed to represent respondent is to be paid through the High Court Legal Services Sub-Committee, Aurangabad.

(ABHAY S. WAGHWASE)
JUDGE