



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 1044 OF 2025
IN
CRIMINAL REVISION APPLICATION NO. 2779 OF 2025

Abhilash S/o. Raosaheb Borude, ... Applicant

Versus

Mrs. Tejashree W/o. Abhilash Borude ... Respondent

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Mr. Kshitij Surve, Advocate for Applicant.

Mr. Mehul P. Kulkarni, Advocate h/f. Mr. Amol S. Sawant, Advocate for Respondent.

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CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 01 DECEMBER 2025

PRONOUNCED ON : 04 DECEMBER 2025

ORDER :

1. Present application is for condonation of delay of 1019 days caused in filing Criminal Revision Application challenging the judgment and order dated 11.10.2021 passed by learned Judge, Family Court, Dhule, in Petition No. E 101 of 2020.

2. Learned counsel for applicant pointed out that learned Family Court was pleased to pass the order ex-parte against him in above proceedings and granted maintenance Rs.20,000/- per months. It is the contention of the revisionist applicant that no such notice was ever issued

to revision applicant and entire proceedings proceeded behind the back of the revisionist. That, when the execution notice is served on the revision applicant, only then did he gained the knowledge about the matter. The learned counsel further submitted that, delay is caused owing to absence of any knowledge about institution of proceedings. That, when execution notice was served on revision applicant, which has occasioned in last week of December 2024, the revision applicant approached the Family Court, and after gaining the entire knowledge, preferred the instant revision. That, the delay has occasioned solely due to ignorance of passing of such an ex-parte award. Learned counsel for applicant stated that there is no deliberate and intentional delay. All above factors contributed to the delay in filing revision, and hence, in the interest of justice, he urges to condone the delay.

3. Learned counsel for respondent opposed the application on the ground that delay is huge and there is no plausible explanation for the said delay.

4. After considering the above submissions, primarily delay is attributed in absence of knowledge about institution of proceedings by wife and that husband learnt only after no receipt of notice of execution proceedings. However, learned trial court, in paragraph 11 of the judgment, has noted that, when notice was served upon husband, he has

refused to accept the same. Therefore, it cannot be said that, husband had no knowledge about the proceedings. Even otherwise delay is huge and there being no plausible explanation for the delay, application is required to be rejected. Hence, the following order :

ORDER

The application is rejected.

(ABHAY S. WAGHWASE, J.)