



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 1642 OF 2024
IN CRIMINAL REVISION APPLICATION STAMP NO.4355/2024

Sayyad Hidayat Sayyad Murad

...Applicant

Versus

Heena Sayyad Hidayat & Anr

...Respondents

- Mr. Ravindra Nirmal, Advocate for the Applicant (VC)
- Mr. U. P. Chavan, Advocate for the Respondents

CORAM : ABHAY S. WAGHWASE, J
RESERVED ON : DECEMBER 01, 2025
PRONOUNCED ON : DECEMBER 02, 2025

ORDER :

1. This is an application for condonation of delay of 407 days delay caused in questioning judgment and order dated 22.11.2022 passed by Family Court, Jalna in Petition No. E-4/2021.

2. Learned Counsel for applicant pointed out that present respondent had instituted Petition No. E-4/2021 seeking maintenance on behalf of herself as well as minor by filing above petition by invoking Section 125 Code of Criminal Procedure. According to him, prior to filing of such complaint, there were talks between the parties for compromise and relatives of both sides had indulged in settlement, however, it did not materialized. This was followed by gap in communication with the advocate

and, therefore, exception could not be taken against order dated 22.11.2022 passed by Family Court. There was delay of 407 days. Delay is unintentional and is rather for above reasons. Therefore, in the interest of justice, learned Counsel urges for condonation of delay

3. Learned Counsel for respondent would strongly oppose the application on the ground that there is no plausible reason or explanation for condonation of delay, which is huge and therefore, he urges to reject the application.

4. After considering above submissions and on going through the papers, it emerges that parties are husband and wife and due to strained relations, are residing separately. Respondent no. 1 on behalf of herself and son, instituted Petition no. E-4/2021 seeking maintenance for herself as well as for minor son by invoking Section 125 of Cr.PC. On affidavit as well statement is made across the bar by Counsel for Applicant that after judgment and order of Family Court, there were efforts made to resolve the dispute amicably by seeking indulgence of relative i.e. for settlement of the matter and time was spent in the same. Such contentions are not denied by the learned Counsel for other side. Therefore, there is reason to accept the explanation that as settlement talks in progress, husband could not take exception to impugned judgment and order.

5. In view of above and for the reasons mentioned in the application and in the interest of justice and fair opportunity, delay so caused is required to be condoned. Hence, the following order is passed:

ORDER

- (i) The application is allowed in terms of prayer clause 'B'.
- (ii) Registry is directed to register the Criminal Revision Application.
- (iii) In Revision Application, issue notice to Respondents, returnable within eight weeks.
- (iv) Call record and proceedings.

(ABHAY S. WAGHWASE, J.)

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