



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

25 CRIMINAL REVISION APPLICATION NO. 230 OF 2024

Rajhans Jagan Chavhan
Age : 35 years, Occu.: worker,
R/o. Tambe Dongaon Tanda,
Tq. Paithan, District Aurangabad.

....APPLICANT
(Orig. Accused no.1)

VERSUS

1. Kajal Rajhans Chavhan
Age : 24 years, Occu.: Household,
R/o. At present :- Kachner (Dhareshwar Mandir),
Tq. & District Aurangabad.
2. Jagan Ramji Chavhan,
Age : 63 years, Occu.: Agril,
3. Gayabai Jagan Chavhan,
Age : 60 years, Occu.: Agril,
4. Madan Jagan Chavhan,
Age : 43 years, Occu.: Agril,
5. Vikram Jagan Chavhan,
Age : 42 years, Occu.: Agril,
6. Latabai Madan Chavhan,
Age : 40 years, Occu.: Agril,
7. Ushabai Vikram Chavhan,
Age : 38 years, Occu.: Agril,
Respondent nos. 2 to 7 are R/o.
Tambe Dongaon Tanda,
Tq. Paithan, Dist. Aurangabad.
8. Shobha Sanjay Rathod,
Age : 41 years, Occu.: Agril,
9. Sanjay Magan Rathod,
Respondent nos. 8 & 9 are R/o.Balangan,

Tq. Paithan, Dist. Aurangabad.

...RESPONDENTS

(Respondent No.1/Original Applicant and Resp. Nos. 2 to 9 are Original Accused Nos. 2 to 9) (Resp. No. 02 to 09 are formal parties)

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Mr. A. I. Deshmukh h/f. Mr. Vikram Tanajirao Patil, Advocate for Applicant;

Mr. Ramchandra J. Nirmal, Advocate for Respondent No.1

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CORAM : SACHIN S. DESHMUKH, J.

DATE : 15th SEPTEMBER, 2025

P.C. :-

1. Heard learned Advocate for the Applicant and learned Advocate for Respondent No.1.

2. The proceedings initiated by Respondent No.1-wife, under Section 12 claiming reliefs under Sections 18, 19, 20, 22 and 23 of the Protection of Women from Domestic Violence Act, 2005, were presented before the learned Judicial Magistrate, First Class, Paithan. In response to the summons, the present Applicant caused appearance, however, thereafter chose not to contest the said proceedings. Consequently, the learned Magistrate allowed the application upholding entitlement of Respondent-wife with direction to the Applicant to pay an amount of Rs.5,000/- per month towards maintenance from the date of presentation of the application. Raising challenge to the said order, the Applicant preferred an appeal. Since

the appeal was presented at a belated stage, wherein a delay of 6 months and 13 days occurred. As such, appeal was accompanied with an application for condonation of delay. The learned Additional Sessions Judge, Aurangabad, by order dated 9th July 2024, rejected the application observing that although the Applicant was aware of the proceedings initiated by Respondent No.1, and the order passed therein, therefore no sufficient cause was put forth for condoning the delay unexplained. Aggrieved the present Applicant has approached this Court.

3. In order to test bonafides learned Advocate for the Applicant was called upon to ensure the arrears towards the maintenance awarded in the proceeding under Domestic Violence Act are cleared. As such, the hearing was deferred.

4. Today, learned Advocate for the Applicant has expressed inability to deposit the amount towards arrears of maintenance and prayed to condone the delay. Thus it is evident that the attempt of Applicant is to abuse the process of law by prosecuting the present petition without establishing bonafides by depositing the arrears of maintenance amount, to which the wife is held to be entitled by the Court below. Nevertheless, the fact remains that Applicant has rather chosen not to participate in the proceeding, although was duly served

and has allowed the proceedings to conclude finally by which entitlement of wife for maintenance is duly upheld. Even thereafter no steps were undertaken to raise challenge immediately.

5. In view of the aforestated peculiar aspects and in absence of any justifiable reasons while not approaching the court with in prescribed time the Sessions Court has considered absence of justifiable reasons in support of unexplained delay while rejecting the application seeking condonation of delay does not warrant interference for lack of bonafides on the part of Applicant. As such, the Court below is justified in rejecting the application of the Applicant, no error is noted in the said order.

6. Accordingly, the petition stands dismissed with cost of Rs.5,000/- to be paid to Respondent-wife within a period of two weeks from today. Learned Advocate for the Applicant undertakes to deposit the said costs before the Executing Court.

(SACHIN S. DESHMUKH, J.)