



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

**CRIMINAL APPLICATION NO. 2450 OF 2021
IN REVNST/7076/2021**

. Ravi S/o Pandurang Rathod
Age: 40 years, Occu.: Nil,
R/o. Income Tax Colony,
Old Jalna, Tal. & Dist.Jalna.Applicant
(Original Respondent No.1)

Versus

1. Jyoti W/o. Ravi Rathod
Age: 35 years, Occu.: Household.
2. Rutuja D/o. Ravi Rathod
Age: 16 years, Occu.: Education,
under guardianship of mother
respondent no.1
Both 1 and 2 R/o. Shankar Jin,
Near SRP gate, gate no.2, Jalna,
Tal. & Dist.Jalna.Respondents
(Original Applicants)

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Advocate for Applicant : Mr.Vaibhav B. Kulkarni
Advocate for Respondents : Mr. Ramdas Bapurao Singare

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CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 18 FEBRUARY, 2025

PRONOUNCED ON : 26 FEBRUARY, 2025

ORDER :

1. Instant application is for condonation of delay of 680 days caused in filing revision application against the judgment and order dated 29-08-2019 passed by the learned Judge, Family Court, Jalna in Petition "E" No.65 of 2019.

2. It is submitted that applicant and respondent no.1 are husband and wife and respondent no.2 is their daughter. That, respondents have filed proceedings under Section 125 of the Code of Criminal Procedure, bearing Petition “E” No.65 of 2019 for grant of maintenance. That, vide Judgment and order dated 29-08-2019, learned Judge, Family Court, Jalna has partly allowed aforesaid petition and directed present applicant to pay Rs.5,000/- per month each to respondents towards maintenance w.e.f. 18-04-2016. That, the applicant has filed revision against the aforesaid Judgment and order, however, 680 days delay occurred in filing the revision. Hence, present application for condonation of delay is filed.

3. Learned counsel submitted that the impugned order is ex-parte. That, impugned order is passed on 29-08-2019 and at that time, as applicant was jobless, he was doing seasonal work. That, at the relevant period, due to Covid-19 pandemic, he could not get the job. Therefore, due to financial crises, he could not file the revision within the period of limitation. That, delay caused is not intentional or deliberate. For the aforesaid reasons, learned counsel prays to condone the delay.

4. Learned counsel for the respondents submits that despite

service of notice, applicant remained absent in the proceedings in the trial Court, therefore, application proceeded ex-parte against him. That, huge delay of 680 days is caused in filing the revision and therefore, learned counsel prays to reject the application.

5. Heard. Perused the record. After going through the papers, it is emerging that the impugned Judgment and order is passed on 29-08-2019 and since, December, 2019, there was impact of Covid-19 for a considerable period.

Learned counsel has placed on record copy of order of the Hon'ble Apex Court dated 10-01-2022 passed in Miscellaneous Application No.21 of 2022 in Miscellaneous Application No.665 of 2021 in Suo Motu Writ Petition (C) No.3 of 2020 with connected matters. It is clarified in the said order that the period from 15-03-2020 to 28-02-2022 shall stand excluded in computing the period of limitation under various Acts.

6. Therefore, in view of the directions of the Hon'ble Apex Court in the aforesaid case and considering the situation arose in Covid-19, though delay is of 680 days, the same is required to be condoned. Hence, the following order :

ORDER

- (I) Criminal Application No.2450 of 2021 is allowed.
- (II) Delay of 680 days caused in filing revision application is condoned.
- (III) Registry is directed to verify and register the revision application.

(ABHAY S. WAGHWASE)
JUDGE