



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 4009 OF 2024
IN
CRIMINAL REVISION APPLICATION (ST.) NO.10764 OF 2024

Shreyash S/o. Onkareshwar Deshmane,
Age : 09 years, Occu. : U/G. of mother -
Sow Yogita W/o. Onkareshwar Deshmane ... Applicant

Versus

Onkareshwar S/o. Raghunath Deshmane ... Respondent.

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Mr. Shrikishan S. Shinde, Advocate for Applicant.
Mr. Pratik Patil h/f. Mr. M. R. Deshmukh, Advocate for Respondent.
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CORAM : ABHAY S. WAGHWASE, J.

DATED : 11th MARCH, 2025

ORDER :

1. Present application is for condonation of delay of 71 days caused in filing the criminal revision application and questioned the judgment and order passed by learned Family Court, Aurangabad in Petition E-85 of 2018, dated 26.03.2024.

2. Learned counsel for applicant pointed out that, present proceedings are against father. That, a minor, aged 9 years, was neglected from being maintained and therefore, he put up claim for maintenance by filing application before trial court vide Petition No.E-85 of 2018. That, by judgment and order dated 26.03.2024

application has been partly allowed and that respondent has been directed to pay Rs.12,000/- per month to the petitioner for a minor son Shreyash from 25.05.2018. It is submitted that, said quantum is to be questioned by way of filing revision application. However, delay of 71 days has occurred in filing revision application and applicant has every hope of succeeding in the same and therefore, in the interest of fair opportunity, delay so caused is sought to be condoned.

3. Learned Advocate for respondent has no objection for condonation of delay.

4. After considering the submissions and on going through the papers, it seems that present applicant, a minor son under guardian of his mother, was filed proceedings under section 125 of Cr.P.C. seeking maintenance before learned trial court and after appreciating the evidence, learned Family Court, Aurangabad vide judgment and order dated 26.03.2024 partly allowed the application directing present respondent to pay maintenance of Rs.12,000/- per month to the petitioner i.e. present applicant. Now, said judgment and order is sought to be challenged. However, revision has not been filed within limitation.

5. Considering the above and in view of reasons assigned in paragraph nos.2, 3 and 4 of the application and in the interest of

justice and fair opportunity, delay is required to be condoned.

6. The application stands allowed and disposed of. Delay stands condoned.

7. Registry to verify and to take further steps.

(ABHAY S. WAGHWASE, J.)