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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO. 441 OF 2025

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Dr. Bhalchandra Vasantrya Nikam ...Applicant

Versus

Dr. Sou Ranjana Bhalchandra Nikam And Anr. ...Respondents

Mr. Daulat G. Khamkar, Advocate for the Applicant.

Mr. Hrishikesh S. Shinde Advocate for Respondent No.1.

Ms. Priyanka S. Rane, APP, for the Respondent – State.

CORAM : SHIVKUMAR DIGE, J.

DATE : 10th DECEMBER, 2025

P.C.

1. By this application, the applicant has challenged the order dated 15th March, 2025 passed by the Additional Sessions Judge, Solapur in Crim. M. A. No. 5 of 2024 thereby, condoned 98 days delay in filing appeal against the order of the Ld. J.M.F.C., Solapur.

2. It is contention of learned counsel for the applicant that the learned Additional Sessions Judge has condoned 98 days delay only on the ground that the respondent has handicapped. This reason cannot be considered for condoning the delay. The Additional Sessions Judge condoned the delay without any reasonable ground, hence, requested to allow the application. He relied on *Bhagwan s/o.*

Ganeshrao Deshmukh vs. jaysingrao s/o. Nanarao Deshmukh [2019(4) All Mr. 850] and *Mohsin s/o. Ahmed Nurani vs. The Tahsildar/Returning Officer, Chandrapur & Anr. [2019(4) all Mr. 852]*.

3. It is contention of learned counsel for the respondent that the respondent is the wife of the applicant. She had gone to meet her son, hence, she could not file the appeal within reasonable time. The delay was not intentional. The learned Additional Sessions Judge has passed well reasoned order. No interference is required in it and requested to reject the application.

4. Learned APP submits that appropriate order be passed.

5. I have hard all the learned counsels. Perused the impugned order and cited case laws.

6. It appears from the record that the applicant has filed an appeal against the judgment and order passed by the learned J.M.F.C on maintenance application. The respondent wife has also preferred an appeal for enhancement of maintenance amount against same order. There is delay of 98 for filing the said appeal. In my view, 98 days delay is not extraordinary delay. Though sufficient reasons are not given, it can be condoned. The facts of cited case laws and the present case are different, hence not applicable.

7. In view of the above, I pass following order.

ORDER

The application is rejected.

(SHIVKUMAR DIGE, J.)