



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

CRIMINAL APPLICATION NO.224 OF 2024
IN
CRIMINAL REVISION APPLICATION (ST.) NO.9402 OF 2024
(Niraj Kedarnath Sahagal Vs. Seema w/o Niraj Sahagal)

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Ms T.A. Agre, Advocate for the applicant.
Ms V. Khadokar, Advocate for the non-applicant.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- JANUARY 6, 2025.

By this application, the applicant is seeking condonation of delay which is caused in preferring the revision for challenging the order passed by the Family Court, Nagpur granting maintenance to the respondent. As per the contention of the applicant he came to know about the order dated 16/02/2023 after receipt of the notice of execution proceeding initiated by the respondent. Thereafter he immediately approached to the Family Court for obtaining the certified copies. Moreover, he was also suffering from financial hardship, and therefore, he could not approach to his Counsel. Hence, the delay is caused.

2. The application is strongly opposed by the respondent on the ground that there is no sufficient and reasonable cause for condonation of delay. In view of that, application deserves to be rejected. Alternatively she prays

that if this Court considers the delay condonation application, heavy cost be imposed on the present applicant.

3. I have heard learned Counsel for both the parties. Perused the application as well as the other relevant documents from which it reveals that the applicant was duly served with the notice of petition No. E-348/2021; however, he failed to appear, and therefore, the proceeding was decided in favour of the respondent. Considering the ground raised by the applicant that he came to know about the order when he received the notice of execution, appears to be reasonable and just cause. However, considering the fact that the respondent unnecessarily dragged in another litigation, some costs requires to be imposed on the present applicant. In view of that, the application deserves to be allowed subject to the costs of Rs.3000/-. Accordingly, I proceed to pass the following order:

(i) The application is allowed.

(ii) The delay of 549 days in filing the revision is condoned subject to the costs of Rs.3000/-.

(iii) On depositing the costs within two weeks, the revision be registered.

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Ms Khadokar, learned Counsel waives notice for the respondent.

2. Stand over after four weeks.

(URMILA JOSHI-PHALKE, J.)

**Divya*