



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (APPR) NO.125 OF 2024
IN
CRIMINAL REVISION APPLICATION STAMP NO.4304 OF 2024

Roshan Madhukarraoji Barapatre
Vs.
Madhuri @ Tupti Roshan Barapatre and another

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. Yatharth Badwaik, Counsel h/f Ms. S. A. Raut, Counsel for the
applicant.
Mr. H. A. Khedikar, Counsel for the non-applicant.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 17/01/2025

1. By this application, the applicant is seeking condonation of delay which is caused in preferring the revision challenging the order of grant of maintenance. It is submitted by the applicant that he applied for the certified copies and thereafter, he approached to his Counsel and preferred this revision application and therefore, 28 days delay is caused in preferring the revision application. He submitted that as far as the interim maintenance amount is concerned, which he has already deposited. There is just and reasonable cause for condonation of delay. In view of that, he prays for delay be condoned.

2. Learned Counsel for the non-applicant strongly opposed the said application on the ground

that six and half years were required to adjudicate the maintenance proceeding. The non-applicant and her daughter are completely dependent upon the maintenance amount. A total Rs.80,000/- towards the arrears of the maintenance amount is due and for simple reasons, he has knocked the door of the Court and therefore, the application deserves to be rejected.

3. After hearing both the sides and on perusal of the application as well as the submissions made by both the sides, there is no dispute as to the fact that for getting maintenance, the non-applicant has faced six and half years before the trial Court and now this revision is filed and she is dragged in a litigation with the delay condonation application. Considering the reasons mentioned in the application, though there is a reasonable and justifiable reason for condonation of delay, however the application deserves to be allowed with some directions to the present applicant to deposit the arrears of the amount. In view of that I proceed to pass following order:

ORDER

(i) The application is allowed.

(ii) Delay of 28 days is condoned subject to the condition that the applicant shall deposit Rs.50,000/- within four weeks.

(iii) On failure to deposit the amount, the appropriate orders shall be passed against the present applicant.

4. On depositing the amount, revision be registered.

5. Learned Counsel for the non-applicants waives notice in the revision application.

(URMILA JOSHI-PHALKE, J.)