



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 4515 OF 2025
IN
REVNST/12558/2025

Dr. Shaikh Afroj S/o. Haji Abdul Raheman,
Age : 45 years, Occu. : Medical Practitioner,
R/o. C/o. Nasim Sultana,
Near Chunnimiya Dargah,
Gandhanpura, Majalgaon,
Tq. Majalgaon, Dist. Beed.

... Applicant

Versus

Anisa Begum W/o. Shaikh Afroj,
Age : 40 years, Occu. : Household,
R/o. Purna, Tq. Purna, Dist. Parbhani
At present R/o. Iqbal Nagar, Parbhani,
Tq. & Dist. Parbhani.

... Respondent

.....
Mr. Amar V. Lavte, Advocate for Applicant.
Mr. Sushant B. Choudhari, Advocate for Respondent.
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CORAM : ABHAY S. WAGHWASE, J.
RESERVED ON : 04 MARCH 2026
PRONOUNCED ON : 05 MARCH 2026

ORDER :

1. This is an application for condonation of delay of 950 days caused in filing Criminal Revision Application to question the judgment and order dated 12.01.2023 passed by the learned Judge, Family Court, Parbhani.

2. Learned counsel submitted that, applicant is husband.

His wife respondent instituted proceedings under section 125 of Cr.P.C. bearing Petition E No. 61 of 2022 levelling several allegations of physical and mental cruelty and without any just and sufficient cause, left his company. That, learned Family Court proceeded ex parte as the applicant husband did not appear. He pointed out that, in fact, wife had instituted parallel proceedings before both the learned J.M.F.C. as well as learned Family Court. The applicant is resident of Majalgaon, Dist. Beed and the proceedings instituted by wife are in Parbhani. Therefore, he had no knowledge of subsequent proceedings. There is a good case on merits, which he had no opportunity to contest. That, only after warrant was issued, applicant learnt about the proceedings before the learned Family Court and thereafter he took steps. That, applicant as well as his mother are both gripped with several ailments, the papers of which are placed on record. Delay is attributable to the same and it is unintentional. Therefore, in the interest of justice, the husband questions the order of the learned Family Court and learned counsel urges to condone the delay.

3. Above application is opposed on the ground that there is hopelessly inordinate delay, that too in spite of knowledge.

4. Perused the papers. Present respondent seems to have instituted Petition E No.61 of 2022 before the learned Family Court,

Parbhani in June 2022 and said Court rendered judgment on 12.01.2023. The impugned judgment shows that case set up by wife has not been contested as in spite of notice sent by R.P.A.D. dated 24.09.2022, husband did not appear or contest and answer the claim petition of wife. Therefore, when there is notice by R.P.A.D., there was sufficient knowledge to the applicant husband about above proceedings. Submissions made before this court that similar proceedings were also instituted by wife in Parbhani Court before the J.M.F.C. were construed to be the only proceedings, resulting in Family Court proceedings being ex parte, do not stand to reason. Judgment rendered by learned Family Court is of 12.01.2023. Instant application is filed in 2025 and circulation is obtained in December 2025. Delay in filing Criminal Revision Application is over 950 days i.e. more than three years.

5. In the light of above discussion, as huge delay is not properly explained, application for condonation of delay cannot be granted. Hence, the following order :

ORDER

The Criminal Application is rejected.

(ABHAY S. WAGHWASE, J.)