

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL WRIT PETITION NO. 3060 OF 2025
WITH
CRIMINAL WRIT PETITION NO. 3066 OF 2025**

SHRI. VINOD VASANTRAO VANMORE AND OTHERS
VERSUS
SOU. SAPANA VINOD VANMORE AND OTHERS

...
Ms. Pallavi V. Thorat, Advocate for Petitioners
Ms. A. A. Takalkar, APP for the Respondent-State
Mr. Kalpesh Uttam Patil, Advocate for Respondent No.2
...

CORAM : NITIN B. SURYAWANSHI, J.

DATE : 16th FEBRUARY, 2026

PER COURT :

1. By these petitions, petitioners challenge the order dated 30/04/2025, passed by learned Additional Sessions Judge, Karad in Cri. Misc. Application No.50/2023 thereby rejecting application for condonation of delay caused in filing appeal against the order of maintenance granted in favour of respondent wife and the order dated 30/04/2025 passed in Cri. Misc. Application No.56/2023, thereby refusing to condone delay of 2 years 8 months and 8 days caused in filing application for restoration of Cri. M.A. No.23/2018 which was dismissed on 17/01/2019.

2. The case of petitioner No.1 husband, in short, is that respondent No.1 wife had filed maintenance proceedings bearing

Cri. M. A. No.307/2015, which was decided ex-parte. She had also filed Cri.M.A. No.644/2022 for execution of the said maintenance proceedings in which petitioner had paid Rs.1,00,000/-. Respondent No.1 further filed petition in the year 2016 under Domestic Violence Act, 2005 against the petitioner and obtained order dated 30/05/2017 by deceiving the Court. Petitioner has given details of events / quarrels taken place in their family before passing of order in Cri.M.A. No.23/2018. Petitioner and his family members had undergone various ailments and they had taken treatment for the same from time to time at various hospitals. Moreover, petitioner No.1 and his family had been infected with Covid-19. The various proceedings filed by respondent No.1 and suspension from service has caused harassment to the petitioner and traumatized him. Total amount of Rs.7,00,000/- had been attached from the salary of petitioner No.1 towards the maintenance of respondents. Respondent No.1 had taken various educational facilities for respondent No.2, meant for scheduled tribes. As such, respondents have not suffered any loss, whereas petitioners are facing various problems.

3. Learned counsel for respondent No.2 strenuously opposed the application stating that there are huge arrears of maintenance against the applicant and he does not deserve

condonation of delay. No sufficient ground is shown by the petitioner for condonation of delay.

4. Perusal of record indicates that there are arrears of maintenance against the petitioner. However, he also deserves opportunity to contest the matter on merits. In that view of the matter, interest of justice would be subserved by directing condonation of delay subject to the petitioner paying arrears of maintenance.

5. In the result, the writ petitions are allowed. Impugned order dated 30/04/2025, passed by learned Additional Sessions Judge, Karad in Cri. Misc. Application No.50/2023 and the order dated 30/04/2025 passed in Cri. Misc. Application No.56/2023, are quashed and set aside. Delay is condoned on the condition that the petitioner shall pay arrears of maintenance of the respondents. Needless to state that if the petitioner fails to pay the arrears of maintenance, the delay shall not be condoned.

6. Fees of the learned advocate appointed to represent respondent No.2 shall be paid by the Legal Aid as per the scheduled, as expeditiously as possible.

(NITIN B. SURYAWANSHI, J.)