



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

**CRIMINAL APPLICATION (APPR) NO. 218 OF 2025
IN
CRIMINAL REVISION APPLICATION ST. NO. 8703 OF 2025**

MISS. MAMTA DHANPAL KOLHATKAR AND ANOTHER

Vrs.

SHRI RAKESH SITARAM TELANG

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

Court's or Judge's Order

Shri Y. R. Kinkhede, Advocate for applicants.

CORAM: URMILA JOSHI-PHALKE, J.
DATE : 10/04/2026.

1. By this application, applicant is seeking for condonation of delay which is caused in preferring the revision challenging the judgment and order passed by the Family Court No.3, Nagpur granting maintenance @ Rs.2,000/- to the applicant No.1 and Rs.5,000/- to the applicant No.2 from the date of petition i.e. 05/03/2022. However, the delay is caused in preferring the revision as the applicants were not having sufficient funds to approach to the Court as well as to the counsel as she was suffering from the acute financial crises. The expenses incurred in the agricultural procedures, hospitalization bills, diagnostic medicines, regular doctor visits and very meagre amount was granted as a maintenance and due to the paucity of funds, she could not approach to the Court and therefore, delay of 707 days is caused in preferring the revision application.

2. It is contended by the learned counsel for the applicants that considering the reasons mentioned by her, it is sufficient and reasonable cause for condonation of delay. He further submitted that procedural laws are intended to advance the cause of justice rather than scuttle genuineness on technical grounds. The principles of natural justice necessitate that her criminal revision application be heard on merits rather than she subjected solely on the ground of delay.

3. Despite service of notice, none appears for the non-applicant.

4. The learned counsel for the applicants placed reliance on the decision of Collector, Land Acquisition, Anantnag and another Vrs. Ms. Katiji and others, reported in (1987) 2 SCC 107 wherein the Hon'ble Apex Court has laid down the principles as to the condonation of delay and held as under :-

“1. Ordinarily a litigant does not stand to benefit by lodging an appeal late.

2. Refusing to condone delay can result in a meritorious matter being thrown out at the very threshold and cause of justice being defeated. As against this when delay is condoned the highest that can happen is that a cause would be decided on merits after hearing the parties

3. "Every day's delay must be explained" does not mean that a pedantic approach should be made. Why not every hour's delay, every second's delay? The doctrine must be applied in a rational common sense pragmatic manner.

4. When substantial justice and technical considerations are pitted against each other, cause of substantial justice deserves to be preferred for the other side cannot claim to

have vested right in injustice being done because of a non-deliberate delay.

5. There is no presumption that delay is occasioned deliberately, or on account of culpable negligence, or on account of mala fides. A litigant does not stand to benefit by resorting to delay. In fact he runs a serious risk.

6. It must be grasped that judiciary is respected not on account of its power to legalize injustice on technical grounds but because it is capable of removing injustice and is expected to do so.”

5. In the light of the above parameters laid down by the Hon’ble Apex Court if the cause given by the present applicants is taken into consideration, admittedly, very meagre amount was given to her by the Court as a maintenance and therefore, she approached to this Court for enhancement of maintenance.

6. Considering the law of maintenance, which is a social legislation merely because there is a delay, she cannot be deprived from getting her right by taking before the Court a proper application for grant of maintenance. Moreover, considering the liberal approach is to be taken and not the pedantic approach, the application deserves to be allowed. Accordingly, I proceed to pass the following order :-

ORDER

- i] Application is allowed. Delay of 707 days is hereby condoned.
- ii] Criminal application is disposed of.

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7. Criminal Revision Application be registered. On registration of criminal revision, notice be issued to the non-applicant.
8. Applicants are permitted to serve the non-applicant by all modes of service and shall file an affidavit of service on record.
9. Stand over after Summer Vacation.

[JUDGE]

Choulwar