

MHAU010016982026



Criminal M.A. No.78 of 2026

Laxman
Versus
Ashwini

ORDER BELOW EXH.1

- 1) This is an application for condonation of delay U/sec. 5 of the Limitation Act, in filing the appeal U/sec. 29 of the D.V. Act, 2005 against the order 10.11.2025, of the Court of Judicial Magistrate, First Class, (6th Court), Aurangabad, in an application Under D.V. Act. 2005 in which vide order below Exhibit 5, the interim maintenance of Rs. 6000/- and cost of Rs.2000/- was awarded in favour of the respondent.
- 2) The petitioner submitted according to their application and respondent opposed the same.
- 3) I have framed following points for my determination and I have recorded my findings thereon, for the the following reasons :

<u>Sr. No.</u>	<u>POINTS</u>	<u>FINDINGS</u>
1.	Whether the delay can be condoned ?	Conditionally Yes
2.	What order ?	As per final order

REASONS

4) According to petitioner the delay is of 65 days. The merits of the case are pleaded for condonation of delay. But why the delay occurred is not submitted. It appears that, according to pursis filed by the petitioner, the settlement talks are going on, but the respondent had denied the same. The delay is not much but subject to certain conditions the delay is condoned, as award of maintenance is related to sustenance of the wife. To resolve the matter on merits an opportunity deserves to be granted. Hence point no.1 is determined in the affirmative conditionally and following order is passed :

ORDER

- 1) The application no. 78/2026 is conditionally allowed.
- 2) The petitioner shall pay at least 50% of the amount awarded as per the order of the trial court within one month from the date of this order towards payment to the respondent.
- 3) The appeal may be registered on payment of the amount, as per rules.
- 4) If the amount is not paid, as mentioned above within time, this application shall be treated as dismissed.

Date : 23.07.2026
Place : Aurangabad.

[**Niranjan R. Naikwade**]
Additional Sessions Judge-4,
Aurangabad, JO Code-MH-1063.