



Presented on :-12/12/2025,
Registered on :-16/12/2025,
Decided on :-11/05/2026,
Duration:- 00Y. 04-M. 26-D.

EXH.NO.09

**BEFORE THE COURT OF ADDITIONAL SESSIONS JUDGE AT
GONDIA.**

(Presided over by M. T. Asim)

**OTHER MISC. CRIMINAL APPLICATION NO.62/2025
(CNR NO. MHGO010018822025)**

Khumansingh s/o Chintaman Machhirke

Aged 58 years, Occ. Retired

R/o Near Semodemo Temple

Salekasa Road, Amgaon, Tah. Amgaon

Dist. Gondia

* * * **APPLICANT.**

- V E R S U S -

1. **Premlata w/o Khumansingh Machhirke**

Aged 56 years, Occ. Service

2. **Hemanshi D/o Khumansingh Machhirke**

Aged 19 years, Occ. Education

Both R/o C/o Dayalal Banote, Bapdi

Tah. Lanji, Dist. Balaghat.

* * * **RESPONDENTS.**

APPLICATION UNDER SECTION 5 OF LAW OF LIMITATION

Mr. S.R. Borkar, advocate for Applicant.

Mr. M.H.Gupta advocate for respondents.

Judgment

(Passed on this 11th day of May, 2026)

1. Present application is filed under section 5 of the Limitation Act for condoning the delay caused in preferring revision petition against the impugned order dated 29-05-2025 passed by learned Judicial Magistrate First Class, Amgaon in Misc. Cri Application No.18/2021.

Brief facts of the case are as under:

2. In Misc. Cri. Application No.18/2021 order of maintenance came to be passed on 29-05-2025 whereby applicant is directed to make payment of Rs.6000/- per month from the date of its filing. Previous counsel for applicant Shri Tayade had applied for obtaining certified copy of said order on 16-07-2025 and certified copy of impugned order was delivered on 22-07-2025. After obtaining certified copy of impugned order applicant had engaged new advocate to prepare revision against impugned order and handed over the case papers to him on 04-08-2025. Applicant is suffering from diabetes. After preparation of draft of revision petition his counsel had contacted him in the last week of August 2025 and asked him to remain present in Gondia Court for solemn affirmation for an application of condonation of delay but at the relevant time applicant was finding difficulty to come to Gondia Court as he was bed ridden due to diabetes. He approached to counsel on 09-12-2025. So delay of six months, 8 days has caused for filing of revision petition. It is contended that delay caused is bonafide. Therefore, requested to condone delay caused in preferring revision petition against impugned order.

3. Respondents through advocate filed say on overleaf of revision petition and opposed it on the ground that present application is false, bogus and devoid of substance. It is contended that there is no sufficient and bonafide reason to condone the delay. Therefore, requested to reject application.

4. Perused record and proceeding of present case and heard learned advocate for applicant and learned advocate for respondents. Following points arise for my determination and I have recorded my findings to the same with reasons to follow as under:

Sr. No.	Points	Findings
1.	Whether applicant proves that there is sufficient cause for him in not preferring revision petition within the prescribed period of limitation?Yes.
2.	What order?	As per final order.

REASONS

5. **As to point Nos.1 and 2:**

In view of Article 131 of the Limitation Act revision petition ought to have been filed within period of 90 days from the date of impugned order. In present case impugned order was

passed on 29-05-2025. So revision petition ought to have been filed within the period of 90 days from the date of impugned order excluding the period spent for getting certified copy of the impugned order. It appears that applicant has applied for certified copy on 16-07-2025 and certified copy of impugned order was delivered to him on 22-07-2025. So excluding the period from 16-07-2025 to 22-07-2025 revision petition ought to have been filed on or before 4th September, 2025. But present application alongwith revision petition is filed on 12-12-2025. Thus, it is clear that there is delay of about three months and eight days in filing revision petition. Applicant has contended that due to diabetes he could not contact his advocate after draft of revision petition was prepared so delay was caused in filing application. He has filed copy of prescriptions of different dates to show that he is taking treatment of diabetes. Possibility cannot be ruled out that due to diabetes he could not contact his advocate after draft of revision petition was prepared, so he could not file revision petition within prescribed period. Applicant would not be benefited by filling revision petition belatedly. In the facts of matter it cannot be said that delay caused is deliberate. In light of discussions made above I hold that applicant has established that he had sufficient cause for not preferring revision petition within prescribed period of limitation. Hence, I answer point No.1 in affirmative.

6. It is settled law that while considering delay condonation application liberal, pragmatic and justice orientated

approach is required to be taken. In above facts and circumstances, I am inclined to allow present application by imposing certain cost upon applicant. Hence, this order.

ORDER

- 1] Application is allowed subject to payment of cost of Rs.1000/- (Rs. One Thousand only) to the non-applicants within period of two weeks from the date of this order. Delay caused in preferring revision petition is condoned subject to above compliance.
- 2] Upon payment of cost by applicant, the revision petition be registered after scrutiny of the same.
- 3] Accordingly, application stands disposed of.

Gondia.
Dated: 11-05-2026.

(M. T. Asim)
Additional Sessions Judge
Gondia.