

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL MISC.APPLICATION (FOR CONDONATION OF DELAY) NO.
25141 of 2025****In F/CRIMINAL REVISION APPLICATION NO. 47356 of 2025**

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HARDIKBHAI BHARATBHAI SHAH
Versus
NISHABEN HARDIKBHAI SHAH & ANR.

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Appearance:

MR MEHUL SHARAD SHAH(773) for the Applicant(s) No. 1
MR UTKARSH SHARMA, APP for the Respondent(s) No. 2

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CORAM:HONOURABLE MR.JUSTICE P. M. RAVAL**Date : 02/12/2025****ORAL ORDER**

1. Heard learned Advocate Mr. Mehul Sharad Shah for the applicant. Considering the fact that, the order passed by Family Court dated 30.04.2019, granting interim maintenance to the tune of Rs.8,000/- per month has been stayed by the coordinate bench of this Court in Criminal Revision Application No. 587 of 2019, might oral order dated 24.05.2019.

2. Pursuant thereto, vide order dated 04.12.2021, the Principal Judge, Family Court quashed and set aside the order dated 30.04.2019, passed below Exh.1 in Criminal Misc. Application No. 2309 of 2011, from the same date, also passed decree holding the marriage as null and void, in Family Suit No. 409 of 2013 . However, one application of

recovery under the provisions of Section 125(3) of Cr.P.C. in Criminal Misc. Application No. 1663 of 2019, which was pending before the Family Court was taken up for hearing and order was passed on 29.08.2025, whereby the warrant was issued against the present applicant holding that, he is in arrears of 85 months maintenance, for which 850 days simple imprisonment was ordered. It is submitted that, the said application came to be decided ex-parte.

3. Rule returnable on **23.12.2025**. Learned APP waives service of rule on behalf of the respondent-State.

4. Considering the peculiar facts and circumstances of the case, while the application for condonation of delay is pending, it would be in the fitness of things, and in the interest of justice that no coercive action be taken against the present applicant, till the next date of hearing.

5. Direct service is permitted.

MOHD SAIF ULLAH

(P. M. RAVAL, J)