



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO. 802 OF 2026

Vitthal Tukaram Kapse
VERSUS
Geeta Vitthal Kapse And Others

...
Mr. M L Dharashive, Advocate for the Petitioner
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CORAM : R.M. JOSHI, J
DATE : JUNE 17, 2026

PC :

1. This Petition is filed on 08.06.2026 taking exception to order dated 04.01.2023 passed in Criminal M. A. No. 12/2022 whereby learned Additional Sessions Judge, Udgir allowed the application for condonation of delay with condition that 25% of amount of maintenance be deposited within 20 days of order.

2. This Petition is filed after three years of passing of impugned order. There is no dispute about the fact that on the Application filed by the Petitioner the said order came to be passed after hearing the Petitioner. Thus, it is not the case wherein the Petitioner had no knowledge of the said order.

3. Though there is no period of limitation prescribed for filing Writ Petition, it is settled position of law that reasonable period should be considered of three years. This Petition is admittedly filed after three years



without showing cogent reasons for delay. Apart from the fact that there is delay in filing present Petition, conduct of the Petitioner also disentitles entertainment of this Petition. There is nothing on record to show that any amount as per order passed by Competent Court for payment of maintenance has been paid to wife.

4. All these circumstances indicates that this is not a fit case to entertain the Petition after a period of three years. Hence, Writ Petition stands dismissed.

(R. M. JOSHI, J.)

Malani